



# भारत का राजपत्र The Gazette of India

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No. 50] NEW DELHI, SATURDAY, DECEMBER 13, 1969/AGRAHAYANA 22, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## नोटिस NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 25 नवम्बर 1969 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 25th November, 1969 :—

Issue No.	No. and Date	Issued by	Subject
386	S.O. 4707, dated 19th November, 1969.	Election Commission of India.	Calling upon the 18-Durg, Parliamentary Constituency in the State of Madhya Pradesh to elect a person for the House of the People.
	S.O. 4709, dated 19th November, 1969.	Do.	Appointment of dates for the above bye-election (S.O. 4708).
	S.O. 4710, dated 19th November, 1969.	Do.	Fixation of hours for the above bye-election (S.O. 4708).
386-A	S.O. 4708-4710A, dated 19th November, 1969.	Do.	Cancellation of certain notifications mentioned therein.
387	S.O. 4711, dated 21st November, 1969.	Ministry of Food, Agriculture, Community Development and Cooperation.	Fixation of maximum prices at which vegetable oil products may be sold.
88	S.O. 4712, dated 24th November, 1969.	Ministry of Finance.	Notifying the Gujarat State Textile Corporation Ltd. Ahmedabad for the purposes of the Sub-clause (f) of Clause (iii) of Sub-section (3) of Section 194A of the Income-tax Act, 1969 (43 of 1961).

Issue No.	No. and Date	Issued by	Subject
389	S.O. 4779, dated 25th November, 1969.	Ministry of Foreign Trade and Supply.	The Exports (Control) Twentieth Amendment Order, 1969.
	S.O. 4780, dated 25th November, 1969.	Do.	The Exports (Control) Twenty-first Amendment Order, 1969.
390	S.O. 4781, dated 25th November, 1969.	Ministry of Law.	Bye-election to the House of the People from the 2-Ferozepur Parliamentary Constituency in Punjab State.

सा० आ० 4781, विधि मंत्रालय।  
दिनांक 25 नवम्बर,  
1969।

लोक सभा के लिये 2-फिरोजपुर  
संसदीय निर्वाचन क्षेत्र से उपचुनाव।

ऊपर लिखे असाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### भाग II—खण्ड 3—उपखण्ड (ii)

#### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

#### ELECTION COMMISSION OF INDIA

New Delhi, the 28th November 1969

S.O. 4861.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby directs that the following further amendments shall be made in its notification No. 434/GJ/68, dated the 27th February, 1968, namely:—

In column 3 of the Table appended to the said notification, for the existing entries Nos. 3 and 1, against Serial Nos. 6-Amreli and 7-Bhavnagar, respectively, the entry "Prant Officer, Rajula Sub-Division, Amreli" shall be substituted.

[No. 434/GJ/69.]

भारत निर्वाचन आयोग

नई दिल्ली, 28 नवम्बर, 1969

एस० आ० 4861.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 22 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत निर्वाचन आयोग एतद्वारा

निदेश देता है कि अपनी अधिसूचना संख्या 434/गुज०/68, तारीख 27 फरवरी, 1968 में निम्नलिखित अतिरिक्त संशोधन किए गए, अर्थात्—

उक्त अधिसूचना से संलग्न सारणी के स्तम्भ 3 में क्रम संख्या 6—अमरेली और 7—भावनगर के सामने क्रमशः विद्यमान प्रविष्टियों संख्या 3 और 1 के लिए “प्रान्त आफिसर, राजुला उप-खंड अमरेली” प्रविष्टि प्रतिस्थापित की जाएगी।

[सं० 434/गुज०/69]

*New Delhi, the 1st December 1969*

**S.O. 4862.**—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendment shall be made in its notification No. 434/MY/67, dated the 29th August, 1967, namely:—

In the Table appended to the said Notification for the existing entry in column 3 against item 11 in column 1, the following shall be substituted:—

(i) Deputy Commissioner (Development), Corporation of the City of Bangalore.

(ii) Deputy Commissioner (Revenue), Corporation of the City of Bangalore.

[No. 434/MY/69.]

#### ORDER

*New Delhi, the 13th November 1969*

**S.O. 4863.**—Whereas the Election Commission is satisfied that Shri Chhotu Ram, President, Municipal Committee, Sangat, a contesting candidate for the mid-term general election held in February, 1969 to the Punjab Legislative Assembly from Pakka Kalan constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chhotu Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of the State for a period of three years from the date of this order.

[No. PB-LA/99/69(11).]

By Order,

K. S. RAJAGOPALAN, Secy.

#### आदेश

नई दिल्ली, 13 नवम्बर, 1969

एस० ओ० 4863.—यतः निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1969 में हुए पंजाब विधान सभा के लिए मध्यावधि निर्वाचन के लिए पक्का कलां निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री छोटू राम, अध्यक्ष, नगर पालिका संगत, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा वाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी, लेखा वाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री छोटू राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पंजाब-ब० सं०/99/69(11)]

आदेश से,

के० एस० राजमोपालन, सचिव,

## ORDERS

*New Delhi, the 13th November 1969*

**S.O. 4864.**—Whereas the Election Commission is satisfied that Shri Ahmad Hussain, r/o Mohalla—Kamra, District Muzaffarpur (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from 61-Muzaffarpur Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ahmad Hussain, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/61/69(48).]

## आदेश

नई दिल्ली 13, नवम्बर 1969

एस० ओ० 4864:—यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 61—मुजफ्फरपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अहमद हुसैन निवासी मुहल्ला कमरा, जिला मुजफ्फरपुर (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं ।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अहमद हुसैन को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-बि० सं०/61/69 (48)]

New Delhi, the 14th November 1969

**S.O. 4865.**—Whereas the Election Commission is satisfied that Shri Ram Surat Singh, R/O village Ramban, P.O. Fulkaha, District Muzaffarpur (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from 70-Sheohar Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Surat Singh, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/70/69(50).]

नई दिल्ली 14 नवम्बर 1969

एस० ओ० 4865.—यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 70—शिवहर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राम सूरत सिंह निवासी ग्राम—रामबन पो०—फुलकाहो जिला—मुजफ्फरपुर (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उस सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम सूरत सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि० सं०/70/69 (50)]

New Delhi, the 15th November 1969

**S.O. 4866.**—Whereas the Election Commission is satisfied that Shri Budhana Manjhi, R/O village Kanadih, P.O. Pirtand, District Hazaribagh (Bihar) a contesting candidate for election to the Bihar Legislative Assembly from 263-Dumri Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Budhana Manjhi, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

नई दिल्ली, 15 नवम्बर, 1969

एस० ओ० 4866:—यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 263—हुमरी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बुधना मांझी निवासी ग्राम कानाडीह, पो० पीरटांड, जिला हजारीबाग (बिहार) लोक प्रति-निधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री बुधना मांझी को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हति घोषित करता है ।

[सं० बिहार वि० सं०/263/69 (51)]

S.O. 4867.—Whereas the Election Commission is satisfied that Shri Sheojagat Ram, R/O village Banasari, P.O. Sinaria, Hazaribagh (Bihar) a contesting candidate for election to the Bihar Legislative Assembly from 270-Barkagaon Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sheojagat Ram, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/270/69(52).]

एस० ओ० 4867:— यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 270 बड़कागांव निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिव जगत राम निवासी ग्राम बानासाड़ी, पो० सिमरिया, जिला हजारीबाग (बिहार) लोक प्रति-निधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री शिव जगत राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हति घोषित करता है ।

[सं० बिहार-वि० सं०/270/69(52).]

**S.O. 4868.**—Whereas the Election Commission is satisfied that Shri Dwarika Ram, R/O village and P.O. Deoriya-Bargavan, District Hazaribagh (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from 271-Ramgarh Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dwarika Ram, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/271/69(53).]

एस० नो०.—4868 यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 271—रामगढ़ निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री द्वारका राम निवासी ग्राम एवं पो० देवरिया बरगांवा, जिला हजारीबाग (बिहार) लोक प्रतिनिधित्व अधिनियम 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन-आयोग एतद्वारा उक्त श्री द्वारका राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि० सं० 271/69(53)]

**S.O. 4869.**—Whereas the Election Commission is satisfied that Shri Dhanushdhar Prasad, R/O village and P.O. Apahar, District Saran (Bihar), a contesting candidate for election to the Bihar Legislative Assembly from 40-Taraiya Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dhanushdhar Prasad, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/40/69(54).]

एस० नो० 4869.—यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 40—सरैया निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री धनुषधर प्रसाद निवासी ग्राम एवं पो० अपहर, जिला सारण (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री धनुषधर प्रसाद को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि० सं० 40/69(54)]

*New Delhi, the 19th November 1969*

**S.O. 4870.**—Whereas the Election Commission is satisfied that Shri Ramswarup Paswan, R/O Village Intabandh, P.O. Aligunj, District Monghyr (Bihar) a contesting candidate for election to the Bihar Legislative Assembly from Sikandra Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ramswarup Paswan, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/172/69(55).]

By Order,  
A. N. SEN, Secy.

नई दिल्ली, 19 नवम्बर, 1969

एस० ओ० 4870 :—यतः, निर्वाचन आयोग का समापन हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 172-सिकन्दरा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रामस्वरूप पासवान निवासी ग्राम-इटाबांध, पो०-अलीगंज जिला-मगंर (बिहार) लोक प्रतिनिधित्व अधिनियम 1951 तथा तदधीन बनाए गए नियमों द्वारा अपक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे

और, अतः, उक्त उम्मीदवार के उसे सम्यक सूचना दिए जाने पर भी अपने इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-का के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रामस्वरूप पासवान को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं०-बिहार-वि० सं०/172/69(55)]

आदेश से,

(ए० एन० सेन, सचिव)



**MINISTRY OF FINANCE**

(Department of Banking)

(Corporations Branch)

*New Delhi, the 29th November 1969*

**S.O. 4871.**—In pursuance of sub-section (2) of section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendations of the Board of Directors of the Industrial Finance Corporation of India hereby fixes 5 percent per annum as the rate of interest payable on the bonds to be issued by the said Corporation in January, 1970 and maturing on the 1st January, 1971.

[No. F. 2(67)-Corp./69.]

M. K. VENKATACHALAM, Jt. Secy.

**वित्त मंत्रालय**

**(बैंकिंग विभाग)**

**(निगम शाखा)**

नई दिल्ली, 29 नवम्बर, 1969

एस० ओ० 4871:—औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15 वां) की धारा 21 की उपधारा (2) के अनुसरण में, केन्द्रीय सरकार भारतीय औद्योगिक वित्त निगम द्वारा जनवरी 1970 में जारी किए जाने वाले और 1 जनवरी 1971 को परिपक्व होने वाले बांडों पर देय ब्याज की दर उक्त निगम के निदेशक मंडल की सिफारिशों के अनुसार 5 प्रतिशत वार्षिक निर्धारित करती है।

[सं० एक० 2(67)-कारपा 1/69]

एम० के० वेंकटचलम, संयुक्त सचिव

**(Department of Revenue and Insurance)**

*New Delhi, the 1st December 1969*

**S.O. 4872.**—In exercise of the powers conferred by sub-section (1) of section 110G of the Insurance Act, 1938 (4 of 1938), the Central Government hereby constitutes a Consultative Committee consisting of the following persons, namely:—

1. Controller of Insurance.
2. Shri Chhedi Lal, X-26, Hauz Khas, New Delhi-16.
3. Shri J. N. Heradia, Aslan Building, Nicol Road, Fort, Bombay.
4. Shri A. Mukherjee, 'Regent Court', P. 113, Regent Park, Calcutta-40.
5. Shri T. S. Swaminathan, Flat 5, Plot 590, 19th Road, Khar; Bombay-52-AS.

2. The Controller of Insurance shall be the Chairman of the Consultative Committee.

[No. F. 51(45)-INS. I/69-I.]

**(राजस्व और बीमा विभाग)**

नई दिल्ली, 1 दिसम्बर 1969

एस० ओ० 4872.—बीमा अधिनियम 1938 (1938 का 4) की धारा 110 छ की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा परामर्शदात्री समिति का गठन करती है जिसमें निम्नलिखित व्यक्ति होंगे अर्थात्—

1. बीमा नियंत्रक।

2. श्री छेदी लाल,

एक्स-26, हौज खास, नई दिल्ली-16।

3. श्री जे० एन० हेरादिया,  
एशियन बिल्डिंग, निकल रोड, फोर्टे, बम्बई ।
  4. श्री ए० मुखर्जी, "रीजेंट कोर्ट", पी-113, रीजेंट पार्क कलकत्ता -40
  5. श्री टी० एस० स्वामीनाथन,  
फ्लैट 5, प्लॉट 590, 19 वी रोड, खार, बम्बई-52-ए एस ।
2. बीमा नियंत्रक परामर्शदात्री समिति का अध्यक्ष होगा ।

[सं० फा० 51(45) इंग्लैण्ड-1/69-1]

**S.O. 4873.**—In exercise of the powers conferred by rule 62 of the Insurance Rules, 1939, the Central Government hereby appoints Shri S. Subramanian, Assistant Controller of Insurance, Simla, as Secretary to the Consultative Committee constituted under the notification of the Government of India in the Ministry of Finance No. F. 51(45)-INS. I/69 dated the 1st December, 1969.

[No. F. 51(45)-INS. I/69-II.]

R. K. MAHAJAN, Dy. Secy.

**एस० ओ० 4873.**—बीमा नियम, 1939 के नियम 62 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा श्री एस० सुब्रामण्यम, सहायक बीमा-नियंत्रक शिमला को परामर्शदात्री समिति जिसका गठन वित्त मंत्रालय भारत सरकार की अधिसूचना संख्या एफ० 51(45)—इन्सपेक्शन 1/69-1, तारीख दिसम्बर 1, 1969 के अधीन किया है, के सचिव के रूप में नियुक्त करती है ।

[फा० सं० 51(45) इंग्लैण्ड-1/69-II]

आर० के० महाजन, उप सचिव ।

#### (Department of Revenue and Insurance)

#### STAMPS

New Delhi, the 13th December 1969

**S.O. 4874.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the drafts, to be presented to the Madras State Industrial Development Corporation by V/O Machinexport, Moscow, for supplying machineries for the Continuous Steel Casting Plant at Arkonam, are chargeable under the said Act.

[No. 16/69-Stamps-F. No. 1/29/69-Cus. VII.]

P. K. KAPOOR, Under Secy.

(राजस्व तथा बीमा विभाग)

#### स्टाम्प

नई दिल्ली 12 दिसम्बर 1969

**एस० ओ० 4874.**—भारतीय स्टाम्प अधिनियम 1969 (1969 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा बी० ओ० मशीनोएक्सपोर्ट, मास्को द्वारा मद्रास राज्य औद्योगिक विकास निगम को उनकी एरकोनम में सतत इस्पात इलार्ई संयंत्र को मशीनरी प्रदायक करने के लिये दिये गये ड्राफ्टों पर उक्त अधिनियम के अधीन प्रभायं शुल्क की छूट देती है ।

[सं० 16/69-स्टाम्प-एफ० सं० 1/29/69-सी० यु० VII]

पी० के० कपूर, अध्वर सचिव ।

## CENTRAL EXCISE COLLECTORATE, KANPUR

Kanpur, the 4th November, 1969

**S.O. 4875.**—In supersession of Central Excise Collectorate, Kanpur Notification No. 5/68 dated 24th August 1968 and Notification No. 7/68, dated 11th November, 1968 and in exercise of the powers conferred on me under second proviso to rule 15 of Central Excise Rules, 1944, I hereby notify in the schedule given below the districts and parts thereof in which growers of tobacco will be exempted from declaration of the area under their tobacco cultivation under rule 15, provided that the area cultivated by a grower does not exceed the maxima specified in column 3 of the schedule in respect of the areas notified in column 2 thereof. When the limit is exceeded it is obligatory on the part of the grower to declare the particulars to the proper officer either personally or by registered post. The above exemption under rule 15 of Central Excise Rules, 1944 will not apply to Flue-cured tobacco and tobacco other than Flue-cured, used in the manufacture of cigarette and beries.

**SCHEDULE SHOWING REVENUE JURISDICTION OF AREAS IN KANPUR COLLECTORATE  
EXEMPTED UNDER RULE 15 OF CENTRAL EXCISE RULES, 1944**

S. No.	Name of districts or portions thereof.	Exempted areas in areas.	Remarks
1	2	3	4
1.	Mahroni, Lalitpur, Girotha Mauranipur, Moth and Jhansi Tehsils of District Jhansi.		5
2.	Entire Jalaun & Hamirpur Districts.		5
3.	Entire Kanpur District, except Bilhaur.		5
4.	Etawah		4
5.	Agra		5
6.	Mathura		5
7.	Aligarh		5
8.	Mainpuri		5
9.	Bulandshahr		5
10.	Entire Meerut District		7
11.	Entire Muzaffarnagar Distt.		7
12.	Nakur and Gangoh Parganas of Nakur Tehsil in Saharanpur District.		6
13.	Chilkana Pargana of Nakur Tehsil in Saharanpur District.		7
14.	Nakur Tehsil except Nakur and Gangoh Parganas of Saharanpur District.		7
15.	Entire Tehsil Deoband of Saharanpur District.		6
16.	Entire Roorkee Tehsil except pargana Jwalapur of Roorkee Tehsil of Saharanpur District.		5
17.	Pargana Jawalapur of Tehsil Roorkee of Saharanpur Distt.		4
18.	Entire Tehsil Saharanpur of Saharanpur District.		7
19.	Dehradun Distt. except village forming part of MOR Hardwar.		Total exemption
20.	Entire Tehri Garhwal District.		Total exemption
21.	Entire Uttar Kashi District.		Total exemption

1	2	3	4
22.	(a) Entire Parganas of Fazipur Bendaria, Ulaisahawar, Sidpur, except villages Sahawar, Sehawar proper, Sahlot and Dundhra of Kasganj Tehsil of Etah District. (b) Entire Parganas of Merhera, Etah, Saktipur, Sonar, Bilram & Pachlana of Etah Tehsil, Etah Distt. (c) Entire Pargana of Mirpur of Aliganj Tehsil, except villages Barhola, Dar-kanagla, Sonari and Merethi of Aliganj Tehsil of Etah District. (d) Entire Pargana of Pettali of Aliganj Tehsil, except villages Ganjdundward, Sujawalpur, Alipur Dadar, Allahpur; Nagdavoo Samaspur, Barathi and Pattali town area. (e) Entire Jalesar Tehsil except village Unchagaon, Timarua, Sarai Neem; Bha and Jalesar proper.		5
23.	Pargana Tirwa of Kannauj Tehsil and Parganas Sakrawa and Sakatpur of Chhibramau Tehsil of Farrukhabad District.		5
24.	Entire Trans-Ganges area of MOR I, Fatehgarh, Farrukhabad District.		5

[No. 7/69-CE.]

**S.O. 4876.**—In supersession of Central Excise Collectorate, Kanpur Notification No. 5/68-CE, dated 24th August, 1968 and Notification No. 7/68-CE, dated 11th November 1968 and in exercise of the powers conferred on me under second proviso to rule 16 of Central Excise Rules, 1944, I hereby notify in the schedule, given below the districts and portion thereof in which curers of tobacco will be exempted from declaration of their tobacco yield under rule 16, provided that the quantity of tobacco cured by a curer does not exceed the maxima specified in column 3 of the schedule. When the limit is exceeded it is obligatory on the part of the curer to declare the particulars to the proper officer either personally or by registered post. The above exemption under rule 16 of Central Excise Rules, 1944 will not apply to Flue-cured tobacco and tobacco other than Flue-cured used in the manufacture of cigarettes and beries.

**SCHEDULE SHOWING REVENUE JURISDICTION OF AREAS IN KANPUR COLLECTORATE EXEMPTED UNDER RULE 16 OF CENTRAL EXCISE RULES, 1944**

S. No.	Name of districts or portions there	Exempted Quantity in Kilograms	Remarks
1	2	3	4
1.	Mahroni, Lalitpur, Girotha, Mauranipur; Moth and Jhansi Tehsils of Jhansi District.	60	
2.	Entire Jalaun and Hamirpur Districts.	60	
3.	Entire Kanpur District, except Bilhaur Tehsil.	60	
	(c) Entire Pargana of Mirpur of Aliganj Tehsil, except villages Barhola, Dar-kanagla, Sonari and Merethi of Aliganj Tehsil of Etah District.		
	(d) Entire Pargana of Pettali of Aliganj Tehsil, except villages Ganjdundward, Sujawalpur, Alipur, Dadar, Allahpur; Nagdavoo Samaspur, Barathi and Pattali town area.	60	

1	2	3	4
	(e) Entire Jalesar Tehsil except village Unchagaon, Timarua, Sarai Neem, Bhar and Jalesar proper.		
23.	Pargana Tirwa of Kannauj Tehsil and Pargana Sakrawa and Sakatpur of Chhibramau Tehsil of Farrukhabad District.	60	
24.	Entire Trans-Ganges area of MOR I, Fatehgarh, Farrukhabad District.	60	

[No. 8/69-CE.]

V. PARTHASARATHY,

Collector.

### जहाजरानी और परिवहन मंत्रालय

(परिवहन स्कंध)

नई दिल्ली, 23 अक्टूबर, 1969

एस० नो० 4372.—नाविक भविष्य निधि स्कीम, 1966 के पैरा 44 के साथ पठित नाविक भविष्य निधि अधिनियम, 1966 (1966 का 4) की धारा 4 की उपधारा (3) के अनुसरण में और भारत सरकार के भूतपूर्व जहाजरानी और परिवहन मंत्रालय (परिवहन स्कंध) की अधिसूचना सं० का० आ० 92, तारीख 30 दिसम्बर, 1968 के क्रम में, केन्द्रीय सरकार एतद्वारा निदेश देती है कि भविष्य निधि अभिदायों में से संचय, व्याज और अन्य प्रतियां जो बाध्यकर निर्गमों को घटा कर आएँ, निम्नलिखित नीति के अनुसार विनिहित की जाएंगी, अर्थात् :—

1-4-69 से 31-10-69 तक की कालावधि के लिए

(i) राज्य सरकार द्वारा सृजित और जारी की गई प्रतिभूतियों और केन्द्रीय और राज्य सरकार द्वारा प्रत्याभूत अन्य प्रतिभूतियों में 35% से अनधिक ।

(ii) केन्द्रीय सरकार की प्रतिभूतियों में जिसके अन्तर्गत केन्द्रीय सरकार द्वारा जारी किए गए बचत या अन्य प्रमाणपत्र हैं, शेष ।

1-11-69 से 31-3-70 तक की कालावधि के लिए

(i) अन्यून 50% केन्द्रीय सरकार की प्रतिभूतियों में, और]

(ii) शेष राज्य सरकार द्वारा सृजित और जारी की गई प्रतिभूतियों, केन्द्रीय या राज्य सरकारों द्वारा प्रत्याभूत अन्य बचतों और अन्य प्रतिभूतियों में ।

२. भविष्य निधि संचयों के सभी पुनः विनिधान (चाहे केन्द्रीय सरकार द्वारा सृजित और जारी की गई प्रतिभूतियों में या केन्द्रीय सरकार द्वारा जारी किए गए बचत प्रमाण पत्रों में या राज्य सरकार द्वारा सृजित और जारी की गई प्रतिभूतियों में विनिहित हों) भी प्रथम पैरा में वर्णित रीति के अनुसार किए जाएंगे ।

[सं० 5-एम०टी० (3)/67]

जे० के० भट्टाचार्य,

उप सचिव ।

## MINISTRY OF IRRIGATION AND POWER

New Delhi, the 28th November 1969

**S.O. 4877.**—In exercise of the powers conferred by Section 3 of the Electricity (Supply) Act, 1948 (54 of 1948) and in supersession of the notification of the Government of India in the Ministry of Irrigation and Power No. EL. II. 28(15)/67, dated the 31st October, 1967, as amended from time to time, the Central Government hereby constitutes, until further orders, the Central Electricity Authority consisting of the following members, namely:—

*Chairman*

1. Shri A. K. Ghose, Vice-Chairman, Central Water and Power Commission (Power Wing), New Delhi.

*Members*

2. Shri P. N. Jain, Joint Secretary, Ministry of Finance, New Delhi.
3. Shri K. S. Pandalai, Joint Secretary, and Legal Adviser, Ministry of Law, New Delhi.
4. Shri K. A. Dave, Member (Thermal), Central Water & Power Commission, (Power Wing), New Delhi.
5. Shri A. P. Seethapathy, Member (Utilization), Central Water & Power Commission, (Power Wing), New Delhi.
6. Shri A. F. Couto, Director (FE&P), Ministry of Irrigation and Power, New Delhi.

[No. EL.II.28(15)/67.]

A. F. COUTO,

Director (F.E.&amp;P.).

## सिचार्ड व बिजली मंत्रालय

नई दिल्ली, 28 नवम्बर, 1969

एस० ओ० 4877—: विद्युत (प्रदाय) अधिनियम, 1948 (१९४८ का 54) की धारा 3 में प्रदत्त अधिकारों का प्रयोग करते हुए और भारत सरकार, सिचार्ड व बिजली मंत्रालय की समय-समय पर संशोधित अधिसूचना सं० बिजली-दो-28(15)/67 दिनांकित 31 अक्तूबर, 1967 को प्रतिस्थापित करते हुए, केन्द्रीय सरकार एतद्द्वारा, अग्रेतर आदेश होने तक, निम्नलिखित सदस्यों से गठित केन्द्रीय बिजली प्राधिकरण की स्थापना करती है:—

1. श्री ए० के० घोष, उपाध्यक्ष, केन्द्रीय जल तथा विद्युत आयोग, (विद्युत स्कंध)  
नई दिल्ली . . . . . अध्यक्ष
2. श्री पी० एन० जैन, संयुक्त सचिव, वित्त मंत्रालय, नई दिल्ली . . . . . सदस्य
3. श्री के० एस० पंडलार्ड, संयुक्त सचिव, एवं कानूनी सलाहकार, विधि मंत्रालय,  
नई दिल्ली . . . . . सदस्य
4. श्री के० ए० दवे, सदस्य (तापीय) केन्द्रीय जल तथा विद्युत आयोग,  
(विद्युत स्कंध) नई दिल्ली . . . . . सदस्य
5. श्री ए० पी० सीतापति, सदस्य (समुपयोजन), केन्द्रीय जल तथा विद्युत  
आयोग, (विद्युत स्कंध), नई दिल्ली . . . . . सदस्य
6. श्री ए० एफ० कटो, निदेशक (विदेशी मुद्रा तथा बिजली), सिचार्ड व बिजली  
मंत्रालय, नई दिल्ली . . . . . सदस्य

[सं० बिजली-दो-28(15)/67]

ए० एफ० कुटो,

निदेशक ।

**MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION**

(Department of Agriculture)

New Delhi, the 18th November 1969

**S.O. 4878.**—In exercise of the power conferred by Section 6 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby declares that the provisions of the said Act shall apply to the following article, namely:—

Hay.

[No. F. 13-18/69-L.A.]

खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय

( कृषि-विभाग )

नई दिल्ली, 18 नवम्बर, 1969

**एस० ओ० 4878**—कृषि उपज (श्रेणीकरण और चिन्हन) अधिनियम, 1937 (1937 का 1) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषणा करती है कि उक्त अधिनियम के उपबन्ध निम्नलिखित वस्तु को लागू होंगे, अर्थात् —

सूखी घास ।

[सं० फा० 13-18/39-एस० ए०]

**S.O. 4879.**—In exercise of the powers conferred by section 6 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby declare that the provisions of the said Act shall apply to the following article, namely:—

Buffalo hair.

[No. F. 13-22/69-L.A.]

B. R. KAPOOR, Under Secy.

**एस० ओ० 4879**—कृषि उपज (श्रेणीकरण और चिन्हन) अधिनियम, 1937 (1937 का 1) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषणा करती है कि उक्त अधिनियम के उपबन्ध निम्नलिखित वस्तु को लागू होंगे, अर्थात् —

भैंस के बाल ।

[सं० फा० 13-22/69-एस० ए०]

ब० र० कपूर, अवर सचिव ।

(Department of Co-operation)

New Delhi, the 27th November 1969

**S.O. 4880.**—In exercise of the powers conferred by Section 5B of the Multi-unit Co-operative Societies Act, 1942 (6 of 1942), and in supersession of the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Co-operation), Notification No. 7-4/68-Credit, dated the 28th May, 1968, the Central Government hereby directs that all powers or authority exercisable by the Central Registrar of Co-operative Societies under the said Act shall also be exercisable by Shri S. A. Ali, Divisional Joint Registrar of Co-operative Societies, Bombay Division, Bombay in respect of multi-unit co-operative societies registered in the State of Maharashtra.

[No. 7-4/68-Credit.]

S. SATYABHAMA, Dy. Secy.

## MINISTRY OF FOREIGN TRADE

(TEA CONTROL)

New Delhi, 27th November 1969

**S.O. 4881.**—In exercise of the powers conferred by section 4 of the Tea Act, 1953 (29 of 1953), read with rules 4 and 5 of the Tea Rules, 1954, the Central Government hereby appoints the following persons as members of the Tea Board until the 31st March, 1972 namely :—

1. Shri G. C. Sarmah,  
Assam Cha Karmachari Sangha,  
Dibrugarh.
2. Shri J. N. Sinha,  
Cachar Cha Sramik Union,  
P.O. Silchar, Distt. Cachar.
3. Shri Bhabani Paul,  
Kalchini Bazar, Hamiltongunj, P.O.  
Distt. Jalpaiguri.
4. Shri R. Kuppuswamy,  
South India Plantation Workers Union,  
P.O. Munnar.
5. Shri K. R. Bellie,  
Nilgiris Distt. Estate Workers Union,  
Rokely, Coonoor.
6. Shri A. H. Besterwitch,  
Dooars Cha Bagan Workers Union,  
P.O. Kalchini,  
Distt. Jalpaiguri (West Bengal).

and makes the following further amendments in the notification of the Government of India in the Ministry of Foreign and Supply (Deptt. of Foreign Trade) No. S.O. 1498, dated the 17th April 1969 namely :—

In the said notification, after entry 31, the following shall be inserted, namely :—

- “32. Shri G. C. Sarmah,  
Assam Cha Karmachari Sangh,  
Dibrugarh.
33. Shri J. N. Sinha,  
Cachar Cha Sramik Union,  
P.O. Silchar, Distt. Cachar.
34. Shri Bhabani Paul,  
Kalchini Bazar, Hamiltongunj P.O.,  
Distt. Jalpaiguri.
35. Shri R. Kuppuswami,  
South Indian Plantation Workers Union,  
P. O. Munnar.
36. Shri K. R. Bellie,  
Nilgiris Distt. Estate Workers Union,  
Rokely, Coonoor.
37. Shri A. H. Besterwitch,  
Dooars Cha Bagan Workers Union,  
P. O. Kalchini, Jalpaiguri (West Bengal).

Representing persons employed  
on tea estates and gardens.

[No. 7(r)-Plant (A)/68]

P. G. SALVI, Under Secy.

**MINISTRY OF FOREIGN TRADE AND SUPPLY**  
(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 24th October 1969

**S.O. 4882.**—M/s. Chief Engineer, Irrigation (North) Government of Mysore Dharawar (Mysore State) were granted an additional Import Licence No. G/CG/2027755, dated 10th April, 1968 for Rs. 30,31,600/- (Rupee thirty lakhs thirty-one thousand and six hundred only). They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost. It is further stated that the original Customs Purposes Copy was not registered with the Customs authorities at any place and it was not utilised.



In support of this contention, the applicant has filed an affidavit alongwith a certificate from the office of the Executive Engineer, Hidkal Dam. I am accordingly satisfied that the original Customs purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-clause 9 (cc) of the Imports (Control) Order 1955, dated 7th December, 1955, as amended, the said original Customs Purposes copy of Licence No. G/CG/2027755, dated 10th April, 1968, issued to M/s. Chief Engineer, Irrigation (North) Government of Mysore, Dharawar (Mysore State) is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. CG-II/35(19)/66-67.]

P. C. VERMA,

Deputy Chief Controller of  
Imports & Exports for Chief Controller.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 1st December 1969

**S.O. 4883.**—A licence No. P/CG/2041413/S/FC/19/C/H/CG.IV, dated 29th May, 1964 of the value of Rs. 1,43,47,800/- for import of Plant and Machinery for the manufacture of Welded Steel Pipes was issued to M/s. Madras Tube Co. Ltd., 69, Sembudass Street, Madras-1, on the basis of Industrial Licence No. L/IA(5) (36)/MEI/61, dated 6th April, 1961.

2. Thereafter, a show cause notice No. 2A(35)/64/65-CG.IV/69, dated 25th April, 1969 was issued asking them to show cause within 10 days as to why the said import licence granted in their favour should not be cancelled in terms of Clause 9, sub-clause (cc) of the Import (Control) Order, 1955 (as amended from time to time), on the ground that Industrial Licence mentioned above had been revoked by Government and the Import licence had therefore ceased to serve the purpose for which it was issued.

3. In response to the aforesaid show cause notice, M/s. Madras Tube Co. Ltd., had, by their letter dated 2nd May, 1969 furnished a detailed explanation. They did not, however, ask for personal hearing with the undersigned, though an opportunity for the same was offered to them in this office letter of even number dated 22nd September, 1969.

In their said reply dated 2nd May, 1969, the firm contended:—

- (a) Orders for the plant and machinery were placed on the foreign suppliers in December, 1963 and an agreement for collaboration and technical assistance was also entered into with them in the same month.
  - (b) They had almost completed by September, 1965 their financial arrangements regarding issue of capital and also for furnishing the necessary deferred payment guarantee as required under the French Credit Terms.
  - (c) On account of revision of rates of import duty and devaluation of Rupee, the cost of their project went up and they had to approach the financial institutions for additional finances/guarantee, etc.
4. The undersigned has carefully examined the said representation and has come to the conclusion that—
- (a) The placing of orders on the foreign suppliers was of no avail until it was supported with the requisite bank guarantee as required under the terms of the French Credit. The licensee has not been able to furnish such guarantee.
  - (b) The approval granted to them by the Government for entering into a foreign collaboration agreement has already been cancelled *vide* Ministry of I.D.I.T. & C.A. letter No. 7(35)/60-EI(M), dated 26th March, 1969.
  - (c) The Industrial Licence which formed the entire base for the project has been revoked by the Government *vide* Ministry of I.D.I.T. & C.A.'s letter No. 7(35)/60-EI(M), dated 26th March, 1969.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955

hereby cancel the licence No. P./CG/2041413/S/FC/19/C/H/19/CG.IV, dated 29th May, 1964, for Rs. 1,43,47,800/- issued in favour of M/s. Madras Tube Co. Ltd., Madras. The import licence has not been returned to the undersigned by M/s. Madras Tubes Co. Ltd., Madras though they were advised to do so.

[No. 2A(35)/64-65/CG.IV/1242.]

H. D. GUPTA,

Deputy Chief Controller of Imports and Exports.

(Office of the Dy. Chief Controller of Imports and Exports, Panjim, Goa)

# ORDER

*Panjim, the 27th November, 1969*

**S.O. 4884.**—M/s. Tin Container Manufacturing Co., Panjim-Goa, were granted import licence No. P/M/1269023/C/XX/30/G/27-28/I.1.1., dated 22nd March, 1969 on General Arca for import of tin plates valued at Rs. 7,859/- under S. No. 45(a)/I. They have requested for issue of duplicate customs purposes copy of the licence on the ground that the original customs purposes copy of the licence has been lost/misplaced. It has further been reported by the party that the licence lost/misplaced was not utilised at all. The licence was not registered with any Customs.

In support of their contention, the applicant has filed an affidavit on a stamped paper duly attested by Taluka Magistrate, First Class, Panjim-Goa. The undersigned is satisfied that the original customs purposes copy of the licence No. P/M/1269023/C/XX/30/G/27-28/I.1.1., dated 22nd March, 1969 has been lost/misplaced and I direct that duplicate customs purposes copy of the said licence should be issued to them.

In exercise of the powers conferred on me under Section 9 (cc) of Import Control Order, 1955, dated 7th December, 1955, I order the cancellation of customs purposes copy of the licence No. P/M/1269023/C/XX/30/G/27-28/I.1.1., dated 22nd March, 1969.

The applicant is now being issued a duplicate copy of customs purposes copy of this licence in accordance with the provisions contained in para. 302(1) of ITC Hand Book of Rules and Procedure 1969.

[No. I.1.1./33/AM-69.]

R. D. PAWAR,

Dy. Chief Controller of Imports and Exports.

## MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Petroleum and Chemicals)

*New Delhi, the 28th November, 1969*

**S.O. 4885.**—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals S.O. No. 3507 dated the 16th August, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right

of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

Laying Pipeline From 122-K, To G.G.S. VI.

#### SCHEDULE

State—Gujarat

Dist—Mehsana

Taluka—Kadi

Village	S. No.	Hectare	Acre	P. Acre.
Zulasan	719	0	1	00
"	710	0	10	00
"	711	0	10	92
"	714	0	1	00
"	713	0	14	69
"	562	0	2	40
"	559/1	0	3	90
"	559/2	0	4	94
"	559/3	0	5	07
"	559/4	0	3	38
"	560	0	0	60
"	Road VWP Track	0	0	91
"	558/1	0	1	95
Chadasan	391	0	17	29
"	392	0	5	33
"	Road V.P. Track	0	0	65
"	385	0	0	70
"	384	0	10	66
"	383	0	14	17
"	382	0	1	82
"	398	0	12	87
"	399	0	0	50
"	350	0	13	65
"	349	0	0	50
"	351	0	9	88
"	348	0	2	73
"	347	0	8	06
"	Road	0	0	91
"	403	0	5	20
"	404	0	9	62
"	405/1	0	2	21
"	405/2	0	2	92
"	406	0	5	07
"	408	0	10	66
"	407	0	3	32
"	410	0	15	21
"	Khans	0	1	37

[No. 20/3/67-IOC/Lab. & Legis.]

**S.O. 4886.**—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals S.O. No. 3505 dated the 14th August, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (1) of section 8 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

## SCHEDULE

(For laying Pipeline from (Feeder lines) Point near Well No. 49 to GGS III).

State—Gujarat	Dist.—Mehsana	Taluka—Kadi		
Village	S. No.	Hectare	Acre	P. Are.
Ambaypura	100	0	22	98
"	109/1A	0	4	65
"	109/1B	0	0	50
"	109/2	0	6	17
"	109/1A	0	2	50
"	V.P. Cart Track	0	1	11
"	V.P. Cart Track	0	0	60
"	110	0	4	77
"	119/10	0	4	85

[No. 20/3/67-IOC/Lab. & Legis.]

**S.O. 4887.**—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals S.O. No. 3367 dated the 2nd August, 1969 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

## SCHEDULE

For laying the Pipeline from well No. installation Ahmedabad to well Head

State—Gujarat	Dist.—Ahmedabad	Taluka—City.		
Village	S.No.	Hectare	Acre	P. Are.
Odhav	552/1, 2 & 3	0	2	40

[No. 29/5/68-IOC/Lab. & Legis.]

**ERRATA**

*New Delhi, the 25th November 1969*

**S.O. 4888.**—In the notification of Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals No. 20/3/67-IOC/LAB & Legis. dated the 26th August, 1969, published under S.O. No. 3685 in the Gazette of India Part II, Section 3(ii), dated the 13th September, 1969 on Page Nos. 3922 and 3923, read in the schedule to the notification against village Jethalaj, Taluka Kalol, S. No. 443 for S. No. 433 and area of S. No. 430 as H-o, Are-8, P.Are-49 instead of H-o, Are-8, P. Are-4.

[No. 20/3/67-IOC/Lab. & Legis.]

**S.O. 4889.**—In the notification of Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals issued under No. 20/3/67-IOC/Lab.(b) dated the 7th June, 1969 and published under S.O. No. 2375 in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 21st June, 1969.

1. At page No. 2488 and at village Jaspur Taluka Kalol for S. No. 590

“READ”

“FOR”

Hectare	Are	P. Are.	Hectare	Are	P. Are.
0	6	73	0	0	76

2. At page No. 2489 and at village Jaspur Taluka Kalol for S. No. 419

“READ”

“FOR”

Hectare	Are	P. Are.	Hectare	Are	P. Are.
0	14	71	0	13	79

[No. 20/3/67-IOC/Lab. & Legis.]

**S.O. 4890.**—In the notification of Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) issued under No. 20/3/67-IOC/LAB, dated the 6th June, 1969 and published under S.O. No. 2371 in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 21st June, 1969.

1. At page No. 2484 & at village Oghanaj Taluka Dascroi—Omit S. No. 258/2.

[No. 20/3/67-IOC/Lab. & Legis.]

*New Delhi, the 26th November 1969*

**S.O. 4891.**—In the notification of Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals No. 20/3/67-IOC/Lab. & Legis.(A) dated the 16th August, 1969, published under S.O. No. 3508 in the Gazette of India Part II, Section 3 Sub-section (ii) dated the 6th September, 1969.

At page No. 3719 and at village Zulasan

“READ”

“FOR”

Village Panchayat Cart Track.

Millage Panchayat Cart Track.

1. Hectare	Are	P. Are.	Hectare	Are	P. Are.
0	5	56	5	5	56
2. S.No. 530/2/E			S. No. 530/2/Z		

[No. 20/3/67-IOC/Lab. & Legis.]

M. V. S. PRASADA RAU, Under Secy.

**MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT**

(Urban Development)

*New Delhi, the 1st December 1969*

**S.O. 4892.**—In pursuance of the provisions of clause (ix) of sub-section (2) of section 5 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central

Government hereby nominates Shri K. N. Shanbhogue, Drugs Controller, Mysore to be a member of the Drugs Technical Advisory Board *vice* Shri N. Chandrasekharan Nair, now not in service as the Drugs Controller, Kerala, and makes the following amendments in the notification of the Government of India, in the Ministry of Health, Family Planning, Works Housing and Urban Development No. S.O. 2890 (No. F. 4-59/68-D), dated 8th July, 1969, namely:--

In the said notification, under the heading "Nominated under clause (ix) of sub-section (2) of section 5", against item 2, for the entry "Shri N. Chandrasekharan Nair, Drugs Controller, Kerala" the entry "Shri K. N. Shanbhogue, Drugs Controller, Mysore" shall be substituted.

[No. F. 19-12/69-D.]

HAMIDULLAHKHAN, Under Secy.

### (Department of Health)

*New Delhi, the 2nd December 1969*

**S.O. 4893.**—Whereas in pursuance of clause (c) of section 3 of the Dentists Act, 1948 (16 of 1948),

Dr. K. Ramachandran, B.Sc. BDS., FDS., RCS.,  
Professor and Head, Dental Wing,  
Madras Medical College,  
Madras-3.

has been elected to be a member of the Dental Council of India with effect from the 25th October, 1969;

And Whereas in pursuance of sub-section (4) of section 6 read with clause (c) of section 3 of the said Act,

Dr. K. Chirenjeevi, MDS,  
Professor of Peridontia,  
Dental Wing,  
Osmania Medical College,  
Hyderabad,  
Dr. R. K. Roy, BDS., MDS., LDSCRS.,  
Professor of Pedodontics,  
Dental College and Hospital,  
K. G. Medical College,  
Lucknow,

and

Dr. M. S. N. Ginwalla, L.D.Sc. DDS., M.Sc., F.I.A.O.S.  
Dean,  
Nair Hospital Dental College,  
Bombay-8.

have been elected to fill the casual vacancies arising out of the resignations of Dr. B. K. Venkataraman, Dr. A. K. Das and Dr. K. Ramachandran respectively;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Health No. 3-2/62-MII dated the 17th October, 1962, namely:—

In the said notification, under the heading "Elected under clause (c) of section 3", for the entries against Serial Nos. 1, 2, 3 and 4 the following entries shall be substituted, namely:—

1. Dr. K. Ramachandran, B.Sc., BDS., FDS., RCS.,  
Professor and Head,  
Dental Wing, Madras Medical College, Madras-3.
2. Dr. K. Chirenjeevi, MDS.,  
Professor of Periodontia,  
Dental Wing, Osmania Medical College,  
Hyderabad-12.

3. Dr. R. K. Roy, BDS., MDS., LDSRCS.,  
Professor of Pedodontics,  
Dental College and Hospital,  
K. G. Medical College, Lucknow.
4. Dr. M. S. N. Glnwalla, LDSc., DDS., MSc., FIAOS,  
Dean, Nair Hospital Dental College,  
Bombay-8.

[No. F. 3-16/68-MPT.]

R. MURTHI, Under Secy.

**(Department of Works, Housing and Urban Development)**

*New Delhi, the 2nd December 1969*

**S.O. 4894.**—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958) the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officer of Government to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act, within the local limits of their respective jurisdiction in respect of the public premises specified in column (2) of the said Table.

THE TABLE

Designation of the Officer (1)	Categories of public premises and local limits of jurisdiction (2)
(i) Personnel Officer (Welfare) Air-India, Bombay.	Premises belonging to Air-India, whether such premises are in possession of or leased out by Air-India and which are under the administrative control of Air-India in Greater Bombay.
(ii) Manager—Northern India, Air India, New Delhi.	Premises belonging to Air India in Northern India, whether such premises are in possession of or leased out by Air India.
(iii) Manager—Southern India, Air India, Madras.	Premises belonging to Air India in Southern India, whether such premises are in possession of or leased out by Air India.
(iv) Manager—Eastern India, Air India, Calcutta.	Premises belonging to Air India in Eastern India, whether such premises are in possession of or leased out by Air India.

[No. F. 21011(4)/66-Pol. IV]

T. K. BALASUBRAMANIAN,  
Deputy Director of Estates and Ex. Officio  
Under Secretary to the Government of India.

**MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**

**(Department of Labour and Employment)**

*New Delhi, the 1st December 1969*

**S.O. 4895.**—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2296 dated the 2nd June, 1969, the banking industry carried on by a banking company as defined in clause (bb) of section 2 of the said Act, to be a public utility service for the purposes of the said Act, for a period of six months from the 29th June, 1969;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 29th December, 1969.

[No. F. 1/82/69-LRI.]

*New Delhi, the 2nd December 1969*

**S.O. 4896.**—Whereas by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2300, dated the 6th June, 1969, the Central Government, being satisfied that the public interest so required, had declared the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a period of six months from the 22nd June, 1969;

And whereas the Central Government is of opinion that public interest requires the extension of the said period;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd December, 1969.

[No. F. 1/83/69-LRI.]

### ORDER

*New Delhi, the 1st December 1969*

**S.O. 4897.**—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before the Industrial Tribunal, Jabalpur;

And, whereas for the ends of justice and convenience of the parties the said dispute should be disposed of without delay;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri G. V. Deo as the Presiding Officer, with headquarters at Nagpur and withdraws the proceedings in relation to the said dispute from the Industrial Tribunal, Jabalpur and transfers the same to the said Industrial Tribunal, Nagpur for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

### SCHEDULE

Name of Parties.	S.O. No. and date of reference.
Management of the British India General Insurance Company Limited, Nagpur and their workmen.	S.O. No. 3866, dated the 17th November, 1969.

[No. F. 25/18/69-LR.III(LRI).]

S. S. SAHASRANAMAN, Under Secy.



(Department of Labour and Employment)

New Delhi, the 2nd December 1969

**S.O. 4898.**—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of Shri O. Venkatachalam, Chief Labour Commissioner (Central) and Arbitrator, in the industrial dispute between the management of East Basuria Colliery Company Private Limited, Post Office Kusunda, District Dhanbad, and their workmen which was received by the Central Government on the 25th November, 1969.

In the matter of arbitration in the industrial dispute between the management of East Basuria Colliery and their workmen represented by the Colliery Mazdoor Sangh, Dhanbad.

**PRESENT.**

Shri O. Venkatachalam, Chief Labour Commissioner (Central) and Arbitrator.

*Representing management:—*

1. Shri H. Chanchani, Secretary, East Basuria Colliery Co. Pvt. Ltd.
2. Shri K. G. Rawal, Manager, East Basuria Colliery.

*Representing workmen:—*

- |   |   |
|---|---|
| 1. Shri Bhagwat Tripathi, Branch President. | } Colliery Mazdoor Sangh,<br>East Basuria Colliery<br>Branch. |
| 2. Shri Ram Prasad Dubey, Branch Secretary. |   |

**AWARD**

No. Con. III/212(3)68

New Delhi, Dated November 25, 1969.

By an agreement dated 10th October, 1968, the Secretary of the East Basuria Colliery Company Private Limited representing the management and the Secretary of the Colliery Mazdoor Sangh representing the workmen of East Basuria Colliery, P. O. Dhanbad (Bihar) agreed to refer the following issue for my arbitration under Section 10A of the industrial Disputes Act, 1947:—

“Whether the present economic condition of the Company permits the payment of Dearness Allowance to their workmen as per recommendations of the Coal Wage Board. If so, what should be the quantum of Dearness Allowance?”

2. After calling from the parties the statements of their case and their rejoinders on each other's statement, I heard the parties at Calcutta on 7th March, 1969. After going through the written statements submitted by the parties, the Manager was called upon at the aforesaid hearing to submit a self-contained factual statement on the nature of property, the workings and mining problems, etc. of the Colliery with a copy to the Union within a week. The Secretary of the Company was called upon to submit within a week a tabulated statement showing the relevant particulars of income tax assessment orders, etc. for the five accounting years ending March, 1968, endorsing a copy each to the Union. These statements were duly submitted by the Manager and the Company's Secretary to the Arbitrator, endorsing copies to the Union. The case was later taken up for hearing at Dhanbad on 12th June, 1969. At this hearing both the parties pleaded for adjournment of the hearing on the ground that they were not fully prepared to proceed with the case. The case was later posted for hearing at Calcutta on 29th August, 1969, but both the parties telegraphically requested for postponement of the hearing, and the management requested that the next date of hearing might be fixed in November as they were negotiating with the Union for an amicable settlement of the dispute. Subsequently at the request of both the parties, the case was taken up for final hearing at Delhi on the 24th November, 1969.

3. The facts of the case are that the East Basuria Colliery is the only Colliery owned and worked by M/s. East Basuria Colliery Co. Pvt. Ltd.. The management of the Colliery had granted wage increases to their workmen in pursuance of recommendations of the Central Wage Board for Coal Mining Industry as

approved by the Government of India from 15th August, 1967, but expressed their inability, to pay the Variable Dearness Allowance to the workmen as per the formula laid down by the Coal Wage Board in paragraphs 27 and 28 of Chapter VII of its Report for compensating the workmen for increase in the All-India-Average Consumer Price Index beyond 166. It is common knowledge that according to the said formula of the Wage Board, the workmen employed in coal mines were to be paid V.D.A. at the rate of 78 paise per day with effect from 15th August, 1967, at the increased rate of Rs. 1-11P. per day w.e.f. 1st October, 1967, and at a further enhanced rate of Rs. 1-47 P. per day from 1st April, 1968. Protesting against the retrenchment of nearly 140 workmen and demanding payment of V.D.A. etc., the workmen of East Basuria Colliery went on strike for about 75 days during July—October, 1968. The strike was continued by the Union (C.M.S.) in spite of reference of the dispute to adjudication and prohibition of continuance of the strike under Section 10(3) of the Industrial Disputes Act, 1947, (*vide* Labour Ministry's Order dated 13th August, 1968). The parties, however, arrived at an amicable settlement in the second week of October and the present arbitration is the result of that settlement which ended the strike and brought about resumption of normal work in the Colliery.

4. The main plank of the management's case was that the Wage Board's recommendations having proceeded on the basis of control on the prices and movement of coal, they could not be implemented by this management (as also several others in the coal industry) due to the removal of control on the price of coal immediately before the date of implementation of the Wage Board's recommendations. The decontrol had adversely affected the economy of marginal coal mines like East Basuria in their competition with prosperous and viable units. According to them, this Colliery was already incurring heavy losses for several years and the situation created by decontrol of coal further aggravated its losses and yet the Company has been continuing the Colliery in the hope of a brighter future. In spite of recurring losses the Company has paid the workmen every year annual bonus at the rate of 4 per cent of wages. The Management have further contended that this Colliery producing non-coking Grade I and Grade II coals could sell its coals only by giving rebate as all other non-coking coal mines. They further averred that in order to mitigate the adverse economic condition of the Colliery, the management have taken steps to reduce the surplus labour and to develop the Colliery to the extent possible. They urged that the issue of V.D.A. in the present case has to be decided with special reference to the economic condition of the Company as stipulated in the term of reference to the Arbitrator, and stated that the Company was not in a position to bear any burden by way of further increase in the pay bills in which case it would be obliged to close the Colliery.

5. The main arguments advanced by the Union in support of its demand for payment of V.D.A. according to the Wage Board's recommendations are that the Wage Board had made its recommendations after considering all factors including the financial capacity of the Coal Mining Industry as such and that in order to meet the financial liability of implementing the Wage Board's recommendations, the Railway Board had granted increase in coal price from time to time. In reply, the management stated that the Wage Board while calling for production of balance sheets from some of the colliery owners, did not do so in respect of this Colliery and as such the Wage Board had no opportunity to judge the financial capacity of this Company as also of many others in the industry. They also pointed out that although this Company had obtained some increase in their coal price by negotiating for the same with the consumers in the normal course of business, it was not at all adequate to cover the Dearness Allowance in terms of the Wage Board's recommendations. On the other hand, with the decontrol of coal price, this Colliery has been put to severe financial difficulties owing to competition and loss of market. The management further stated that they had voluntarily increased the wage rates for their workmen in terms of the Wage Board's Report and that they would be willing to pay higher wages (D.A.) to the workmen provided the economy permitted to do so. In support of their contentions, the management relied on the Assessment Orders of the Income Tax Department and audited Balance Sheets of the Company for six years which revealed recurring losses. The income tax assessment orders for the accounting years 1964-65, 1965-66, 1966-67 and 1967-68 showed a net loss of Rs. 89,554/-, Rs. 5,29,742/-, Rs. 7,28,538/- and Rs. 1,45,066/- respectively. The losses in the two subsequent accounting years 1967-68 and 1968-69 were Rs. 85,010.14 P. and Rs. 4,12,948.85 P. respectively as revealed by the audited balance sheets of the Company. They also relied on the factual note submitted by the Manager of the Colliery explaining the nature of the Colliery property, its workings and difficult

mining conditions of East Basuria Colliery. This note has, in particular, highlighted the extra working cost due to double sections, the water problem and heavy pumping cost, the cost of maintaining their own tram lines (over half a mile long) and locos for transporting the coal from the pithead to the nearest railway siding, etc. The note also explains how the coal output had fallen from an average of 17,000 tons per month in 1963 to 10,000 tons in 1969, and how the ground stocks had consequently risen from 11,000 tons in the beginning of 1966 to 38,500 tons in the beginning of 1963. In reply to my enquiries, the management, however, admitted that the ground stocks had dwindled to 29,000 tons in the beginning of January 1969 and further to 13,000 tons in June, 1969 showing a definite improvement in the position. A further improvement in the economy of this Colliery, as brought out by the Union's representatives at the hearing, is that the management has lately developed a new quarry in this colliery which is expected to give about 2,000 tons of coking coal (for softcoke-making). The Union therefore pointed out that the Colliery could be expected to turn the corner and make some profits in the immediate future. These favourable trends in the economy of the Colliery have not been denied by the management. Other developments which have gone in favour of the management are the fall in the rate of V.D.A. payable under the Wage Board's recommendations from 1:47 to Rs. 1:29 per day from 1st October, 1969 consequent on the fall in the Consumer Price Index and the further increase of 70 paise per ton in the coal price w.e.f. the same date. The Union representatives therefore pleaded for payment of the full rate of Rs. 1:29 per day from 1st October, 1969, leaving it to the Arbitrator to decide purely on merits the question of arrears of D.A. for the past period.

6. One of the main contentions advanced on behalf of the workmen is that, if the management had undermined the financial position of the Company by mismanagement of its affairs, the workmen are not to blame for it and they cannot suffer for the management's faults and further that the wage structure including D.A. recommended by the Wage Board being a minimum wage for the coal industry, the management of this Colliery should pay the V.D.A. even if it has been incurring losses. It is no doubt true that the workmen cannot suffer due to mismanagement and consequent financial losses incurred by the Company if their demand is for a minimum wages. But in this case in view of the peculiar mining and other conditions of the Colliery as explained in the Manager's note, it is difficult to say that the Colliery has been incurring losses due to mismanagement. Moreover, the Wage Board for Coal Industry, under its terms of reference, was expected to work out a wage structure based on the principles of fair wages as set forth in the Report of the Committee on Fair Wages. Taking the lowest wage of an unskilled mazdoor in coal industry under the Wage Board's recommendations, he is entitled to Rs. 5/- per day basic plus 00:50 paise by way of quarterly bonus (10 per cent of the basic wage) together with V.D.A. The highest statutory minimum wage fixed by any Government in the country for corresponding workers in rural areas nowhere exceeds Rs. 3:50 per day. It has been conceded by judicial pronouncements and tripartite decisions that an industry which cannot pay the bare minimum wage has no right to exist. That is, a workman is entitled to the statutory minimum wage irrespective of the capacity of the industry to pay. Even in the words of the Wage Board for Coal Industry, the wage structure recommended by them is the lower limit of the fair wage which in practice is much more than the statutory minimum wages prevailing in the country.

7. In the circumstances I direct that the management shall pay the current rate of Rs. 1:29 as V.D.A. to the workmen of East Basuria Colliery w.e.f. 1st October, 1969. As regards the question of arrears of D.A. for the past period, a perusal of the term of reference to me would show that the question of arrears would not strictly fall within its scope, and an arbitrator cannot exceed his term of reference. Moreover, the Company has admittedly been incurring heavy losses for the past several years, and the wage levels in this Colliery after implementation of the Wage Board's recommendations being above the level of the statutory minimum wages payable to similar workers in the scheduled employments under the Minimum Wages Act, I would not be justified in saddling the Company with further losses by directing them to pay the arrears of D.A. in this case. At the final hearing in this case on 24th November, 1969, it was pointed out by the management that in respect of the Kusunda & Nyadee Colliery of their sister concern in the same field, which has been giving a much higher output of 16,000 tons of coking coal per month as against 10,000 tons of non-coking coal in the East Basuria Colliery and with the same Union (*viz.* Colliery Mazdoor Sangh) representing the workmen, the management has not been able to pay their workmen the arrears of D.A. They also pointed out that any requirement for pay-

ment of arrears would virtually ruin the Company and would force the management to close down the Colliery. I do not therefore propose to give any direction regarding payment of arrears of D.A. for the past period.

8. In its written submissions, the Union pleaded for awarding the cost for "unnecessary harassment of workmen". While the question of cost can be incidental to any adjudication or arbitration proceedings, I do not think that the Union will be entitled to any cost per "harassment of the workmen" in any such proceedings. The Union evidently means the cost on account of the extra expenditure incurred by it for conducting this arbitration case on behalf of the workmen. As already mentioned, I held three hearings in this case at Calcutta, Dhanbad and Delhi respectively. The hearing at Calcutta was attended on behalf of the Union by three of its representatives, and a reasonable estimate of their expenditure (to and fro first class fares and halting expenses at Calcutta for two days) would be Rs. 360/-. The hearing at Dhanbad would not have entailed any material expenditure for the Union's representatives who are local residents except that they were assisted by a lawyer whose fees for the appearance might be put at Rs. 50/-. As the hearing at Delhi was held at the request of both the parties who came to Delhi of their own accord and not at the instance of the Arbitrator, the Union would not be justified in claiming any expenditure against the management. In the circumstances, I direct the management to pay Rs. 450/- (including sundry expenses) towards cost to the Union.

(Sd.) O. VENKATACHALAM,

Chief Labour Commissioner (Central) and Arbitrator.

25th November, 1969.

[No. 2/149/68-LRII.]

**S.O. 4899.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Messrs Ghusick and Muslia Collieries Limited, Post Office Kalipahari, District Burdwan and their workmen, which was received by the Central Government on the 26th November, 1969.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE No. 61 OF 1969

#### PARTIES:

Employers in relation to the management of Messrs Ghusick and Muslia Collieries Limited,

AND

Their workmen.

#### PRESENT:

Mr. B. N. Banerjee, *Presiding Officer*.

#### APPEARANCES:

*On behalf of Employers*—Mr. M. P. Roy,

*Group Personnel Officer.*

*On behalf of Workmen*—Mr. Giridhar Mukherjee, *Advocate*,

STATE: West Bengal

INDUSTRY: Coal Mines.

#### AWARD

By Order No. 6/74/68-LRII, dated August 11, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), referred an industrial dispute between the employers in relation to the management of Messrs Ghusick and Muslia Collieries Limited and their workmen, to this Tribunal, for adjudication, namely:

"Whether Shri Krishna Kinkar Mukherjee, confidential Clerk employed at the Central Office, Owned by Messrs Ghusick and Muslia Collieries Limited, is entitled to the full salary according to his category with effect from the 14th July, 1965? If not, what should be the appropriate rate of pay/scale of pay for him and from what date?"

2. No written statement was at first filed either by the workmen or by the management. This Tribunal waited for the usual period and then fixed a date for settlement of the date of hearing. On that date nobody appeared either on behalf of the employer or on behalf of the workmen. In those circumstances, there was a peremptory date of hearing fixed for November 14, 1967 and the parties were informed of the date by Registered post. Thereafter, only one day before the date of peremptory hearing, the workmen cared to file a written statement, which was placed on the record. On the date of hearing, the management appeared through Mr. M. P. Roy, Group Personnel Officer, under a letter of authority. Mr. Giridhar Mukherjee, Advocate, appeared on behalf of the Colliery Mazdoor Sabha representing the workmen.

3. Mr. M. P. Roy at first tried to move an application for adjournment, in order to enable the management to file a written statement. The ground pleaded was that the management received copy of the written statement filed by the workmen at too late a stage and could not prepare their written statement. They also annexed to their petition copy of an application said to have been filed before this Tribunal on October 27, 1969, in which they alleged to have prayed that the Tribunal should pass a "no dispute" award because the workmen did not file their written statement in time. I have no indication either in the Order sheet or in the record that such an application was at all filed before this Tribunal on October 27, 1969, when this reference was taken up for settling a date of hearing. The application for adjournment in order to enable the management to file a written statement at that late stage was rejected by me on the ground that the prayer itself was made at too late a stage and further, regard being had to concessions made by Mr. M. P. Roy there remained little dispute on facts and filing of a written statement appeared to be wholly unnecessary.

4. The case pleaded by the workmen was that the concerned workman was first employed in the colliery in 1939 (this, however, was later on corrected in evidence and the date of appointment given was March 1940). Their further case was that between May 13, 1964 and July 13, 1965 the concerned workman was ill and could not work. It is, however, not his case that he went on Medical leave during the period. I set out below the exact language used in the pleading:

"On 13-5-64 the workman became sick and reported as such to the employer. His sickness continued till 13-7-65 and he joined his duty on and from 14-7-65. After joining his duties, he was doing all types of work which he had to do prior to 13-5-65."

The grievance made by the workman is pleaded in paragraph 3 of the written statement. It is therein alleged that the workman was never paid the 'proper salary/wages' and the management though approached from time to time for redress deferred the matter on some pretext or other. Later on, it was further alleged in the written statement that the management agreed to pay Rs. 150/- per month, that is to say, far less than his usual wages. It was also pleaded that in as much as the concerned workman was doing his regular job since he had joined his duties after sickness, he was entitled to his full pay and wages inclusive of all allowances and bonus, as admissible under the rule.

5. I have already stated that there was no written statement filed on behalf of the management traversing any of the allegations made in the written statement filed on behalf of the workmen.

6. In his evidence the workman stated:

"There was no break in my service at any time after I had joined. I was on sick leave from May 13, 1964 to July 13, 1965. I rejoined on July 14, 1965. After I rejoined I used to perform my regular work. The company used to give me some pay but not my actual pay. During the months of July and August 1965 I was paid at the rate of Rs. 250/- per month. Thereafter the pay was reduced to Rs. 150/- per month. I was paid at the rate of Rs. 150/- upto July, 1968. My actual pay should be Rs. 273/- inclusive of dearness allowance. I also used to get a further sum of Rs. 20/- as allowance. For payment of subgrade salary to myself I was never given any reason by the company. I am entitled to full pay all through. I objected to the employer company because of payment of lesser wages. My representations were not considered."

The workman was cross-examined and in answer to a question put in cross-examination he said that he accepted less than the proper salary under the assurance that his representation will be considered. No documentary evidence was used by any of the parties.

7. Mr. M. P. Roy in course of his argument stated that the recommendations of the Wage Board were adopted by the employer. He also conceded that the workman belonged to grade I employees as mentioned in Volume I, page 76, paragraph 15 of the Report of the Central Wage Board for Coal Mining Industry. That grade is Rs. 245—10—345—15—385 plus 10 per cent attendance bonus. His contention, however, was that because of the long absence by the concerned workman there was break in his service and his new service should count from the date that he rejoined.

8. Since the workman had nothing to prove by documents particularly on the point that he had been granted leave on medical grounds for so long a period, I propose to proceed on the concessions made by Mr. M. P. Roy. The workman rejoined in July 1965 and became entitled to his grade. In 1966, in 1967 and in 1968 he became entitled to one increment of Rs. 10/- for each year. In 1968 he is, therefore, entitled to a salary of Rs. 275/- plus attendance bonus, if so eligible. The workman in his evidence claimed Rs. 273/- as his dues which is almost the correct figure. Over and above Rs. 275/- he is also entitled to such other fringe benefits as the law entitles him.

9. Thus proceeding on the more or less admitted position, I answer the reference in the following language:

Krishna Kinkar Mukherjee, confidential clerk employed at the central office of Ghusick and Muslia Collieries Limited is entitled to the full salary according to his category with effect from July 14, 1965 when he rejoined his duty after his long absence. That salary should be calculated according to the recommendations of the Central Wage Board for Coal Mining Industry. In July 1965 that salary would be Rs. 245/- and by adding thereto annual increments of Rs. 10/- in 1966, when the dispute arose, his salary would be Rs. 275/- plus 10 per cent attendance bonus plus other fringe benefits according to law. He would be also entitled to future increments since 1968.

I, therefore, make that award, granting to the concerned workman the reliefs specified hereinbefore.

Sd /- B. N. PANERJEE,

Dated, November 18, 1969.

Presiding Officer.

[No. 6/74/68-LRII.]

*New Delhi, the 3rd December 1969*

**S.O. 4900.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, (Central) Faridabad in the industrial dispute between the employers in relation to the management of Dalmia Dadri Cement Limited Charkhi Dadri and their workmen, which was received by the Central Government on the 26th November, 1969.

**BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL) AT FARIDABAD**

**REFERENCE No. 8/C OF 1969**

**BETWEEN**

The workmen and the management of M/s Dalmia Dadri Cement Limited, Charkhi Dadri.

**PRESENT:**

Shri Daya Kishan Gupta.—for the workman.

Shri V. Kaushik—for the management.

**AWARD**

Shri Kishan Chand Gupta was serving as a Quarry Clerk in M/s Dalmia Dadri Cement Limited, Charkhi Dadri. His services were terminated. This gave rise to an industrial dispute and the Central Government in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 constituted an industrial tribunal with the undersigned as

Presiding Officer with headquarters at Faridabad and referred the following dispute for adjudication vide Government Gazette Notification No. 36/9/68-LRI, dated 21/23 April 1969:—

Whether the action of the management of Messrs Dalmia Dadri Cement Limited Charkhi Dadri, in terminating the services of Shri Kishan Chand Gupta, Quarry Clerk, with effect from the 30th June, 1968, was justified? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties. It is, however, not necessary to decide the case on merits because a compromise has been effected between the parties. The management as a gesture of goodwill have agreed to take the aggrieved workman Shri Kishan Chand Gupta back into service with immediate effect as a clerk in Grade I with a basic salary of Rs. 87/- P.M. plus other allowances as per company's rules. It is agreed that the workman will not get any back wages or any other benefit except continuity of service which would be counted from 1st March, 1968 for the purpose of seniority and the workman would be paid a basic salary of Rs. 92/- P.M. with effect from 13th February, 1970 and he would get the next annual graded increment with effect from 13th February 1971 alongwith other employees. It is also agreed between the parties that this compromise would not be taken as precedent. I give my award as per terms of the compromise. No order as to costs.

(Sd.) P. N. THUKRAL,

Presiding Officer  
Industrial Tribunal (Central)  
at Faridabad.

Dated 14th November, 1969.

[No. 36/25/68-LR-IV.]

## ORDERS

*New Delhi, the 2nd December 1969*

**S.O. 4901.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of South Golukdih Colliery, Post Office Jharla, Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

## SCHEDULE

Whether the action of the management of South Golukdih Colliery in reverting its workman Shri Mathura Singh from the job of Fan Khalasi with effect from 16th December, 1968, was justified? If not, to what relief the workman is entitled?

[No. 2/107/69-LRII.]

*New Delhi, the 3rd December 1969*

**S.O. 4902.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Chanch Colliery of Messrs Andrewyule and Company Limited, Post Office Chirkunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

"Whether the management of Chanch Colliery of Messrs. Andrew Yule and Company Limited Post Office Chirkunda, District Dhanbad, was justified in terminating the services of Shri Satya Narayan Rajak, Shot-firer, with effect from the 8th June, 1967? If not, to what relief is the workman entitled?"

[No. 2/156/69-LRII.]

**S.O. 4903.**—Whereas an industrial dispute exists between the employers in relation to the Banki Colliery of Messrs National Coal Development Corporation Limited, Post Office Bankimogra, District Bilaspur, Madhya Pradesh and their workmen represented by the Madhya Pradesh Colliery Workers' Federation, Post Office Bankimogra, District Bilaspur (Madhya Pradesh);

And whereas the said employers and the workmen have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 20th November, 1969.

#### Agreement

(Under Section 10-A of the Industrial Disputes Act, 1947)

#### BETWEEN

##### *Names of the Parties:*

**Representing Employers.**—Sri S. P. Mathur, Dy. Supdt. of Collieries Banki Colliery of M/s N.C.D.C. Ltd. P.O. Bankimogra (Dt. Bilaspur) M.P.

**Representing workmen.**—Sri Rambilas Sobhanath, Secretary, M.P. Colliery Workers' Federation, P.O. Bankimogra Dist. Bilaspur (M.P.).

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri Ved Prakash Pratap, Assistant Labour Commissioner (Central), Jabalpur.

##### (i) *Specific matters in dispute.*

(1) Whether the action of the management in demoting Sri Seeta Ram, s/o Ramsaran from Cat. II to Cat. I with effect from 28-8-1968 is justified? If not to what relief is he entitled?

(ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved.*

Employers in relation to the Banki Colliery of M/s National Coal Development Corporation Limited, P.O. Bankimogra (Dist. Bilaspur) M.P. and their workmen represented by the M.P. Colliery Workers' Federation, P.O. Bankimogra Dist. Bilaspur (M.P.)



(iii) *Name of the Union, if any, representing the workmen in question.*

Madhya Pradesh Colliery Workers' Federation, Banki Branch P.O. Bankimogra (Dist. Bilaspur) M.P.

(iv) *Total number of workmen employed in the undertaking affected.*

1850.

(v) *Estimated number of workmen affected or likely to be affected by the dispute.*

One

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of three months from 1-1-1970 or within such further time as is extended by the mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

*Representing employers*

(Sd.) S. P. MATHUR,

*Representing workmen*

(Sd.) RAMBILAS SOBHANATH,

4-11-69

Witnesses:

1. (Sd.) Illegible.

2. (Sd.) Illegible.

**BANKIMOGRA.**

Dated, 4th November, 1969.

[No. 8/103/69-LRII.]

**S.O. 4904.**—Whereas an industrial dispute exists between the employers in relation to the Banki Colliery of Messrs National Coal Development Corporation Limited, Post Office Bankimogra, District Bilaspur, Madhya Pradesh and their workmen represented by the Madhya Pradesh Colliery Workers' Federation, Post Office Bankimogra, District Bilaspur (Madhya Pradesh);

And whereas the said employers and the workmen have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 20th November, 1969.

### *Agreement*

(Under Section 10-A of the Industrial Disputes Act, 1947)

### **BETWEEN**

*Names of the Parties:*

*Representing Employers.*—Sri S. P. Mathur, Dy. Supdt. of Collieries Banki Colliery of M/s N.C.D.C. Ltd. P.O. Bankimogra (Dt. Bilaspur) M.P.

*Representing workmen.*—Sri Rambilas Sobhanath Secretary, M.P. Colliery Workers' Federation, P.O. Bankimogra Dist. Bilaspur (M.P.).

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri Ved Prakash Pratap, Assistant Labour Commissioner (Central), Jabalpur.

(1) *Specific matters in dispute.*

(1) Whether the action of the management in dismissing Sri Seetaram s/o Ramsaran with effect from 15th May, 1969 is justified? If not to what relief is he entitled?

- (ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved.*

Employers in relation to the Banki Colliery of M/s National Coal Development Corporation Limited, P.O. Bankimogra (Dist. Bilaspur) M.P. and their workmen represented by the M.P. Colliery Workers' Federation, P.O. Bankimogra Dist. Bilaspur (M.P.)

- (iii) *Name of the Union, if any, representing the workmen in question.*

Madhya Pradesh Colliery Workers' Federation, Banki Branch P.O. Bankimogra (Dist. Bilaspur) M.P.

- (iv) *Total number of workmen employed in the undertaking affected.*

1850.

- (v) *Estimated number of workmen affected or likely to be affected by the dispute.*

One

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of three months from 1-1-1970 or within such further time as is extended by the mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

*Representing employers*

(Sd.) S. P. MATHUR,  
Witnesses:

1. (Sd.) Illegible.

2. (Sd.) Illegible.

BANKIMOGRA,

Dated, 4th November, 1969.

*Representing workmen*

(Sd.) RAMBILAS SOBHANATH,

[No. 8/107/69-LRII.]

New Delhi, the 4th December 1969

**S.O. 4905.**—Whereas an industrial dispute exists between the employers in relation to the Banki Colliery of Messrs National Coal Development Corporation Limited, Post Office Bankimogra, District Bilaspur, Madhya Pradesh and their workmen represented by Madhya Pradesh Colliery Workers' Federation, Banki Branch, Post Office Bankimogra, District Bilaspur, Madhya Pradesh;

And whereas the said employers and the workmen have by a written agreement in pursuance of the provisions of sub section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 20th November, 1969.

#### *Agreement*

(Under Section 10-A of the Industrial Disputes Act, 1947)

#### **BETWEEN**

*Names of the Parties:*

*Representing Employers:*

Sri S. P. Mathur,  
Dy. Supdt. of Collieries  
Banki Colliery of M/s N.C.D.C. Ltd.  
P.O. Bankimogra (Dt. Bilaspur) M.P.

*Representing workmen:*

Sri Rambilas Sobhanath  
Secretary, M.P. Colliery Workers'  
Federation, P.O. Bankimogra  
Dist. Bilaspur (M.P.).

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri Ved Prakash Pratap, Assistant Labour Commissioner (Central), Jabalpur.

(i) *Specific matters in dispute.*

(1) Whether the action of the management in demoting Sri Brich Das s/o Ghasi Das from Cat. V to Cat. III with effect from 24/26th September 1969 is justified? If not to what relief is he entitled?

(ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved.*

Employers in relation to the Banki Colliery of M/s National Coal Development Corporation Limited, P.O. Bankimogra (Dist. Bilaspur) M.P. and their workmen represented by the M.P. Colliery Workers' Federation, P.O. Bankimogra Dist. Bilaspur (M.P.).

(iii) *Name of the Union, if any, representing the workmen in question.*

Madhya Pradesh Colliery Workers' Federation, Banki Branch P.O. Bankimogra (Dist. Bilaspur) M.P.

(iv) *Total number of workmen employed in the undertaking affected.*

1850.

(v) *Estimated number of workmen affected or likely to be affected by the dispute.*

One

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of three months from 1st January, 1970 or within such further time as is extended by the mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

*Representing employers*

(Sd.) S. P. MATHUR.

*Representing workmen*

(Sd.) RAMBILAS SOBHANATH.

*Witnesses:*

1. (Sd.) Illegible.

2. (Sd.) Illegible.

BANKIMOGR,

Dated, 4th November, 1969.

[No. 8/104/69-LRII.]

**S.O. 4906.**—Whereas an industrial dispute exists between the employers in relation to the Banki Colliery of Messrs National Coal Development Corporation Limited, Post Office Bankimongra District Bilaspur, Madhya Pradesh, and their workmen represented by the Madhya Pradesh Colliery Workers' Federation, Post Office Bankimogra District Bilaspur, Madhya Pradesh;

And whereas the said employers and workmen have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the said arbitration agreement, which was received by it on 20th November, 1969.

#### *Agreement*

(Under Section 10-A of the Industrial Disputes Act, 1947)

#### **BETWEEN**

*Names of the Parties:*

*Representing Employers:*

Sri S. P. Mathur  
 Dy. Supdt. of Collieries,  
 Banki Colliery of M/s. N.C.D.C. Ltd.,  
 P.O. Bankimogra (Dt. Bilaspur) M.P.

**Representing Workmen:**

Sri Rambilas Sobhanath  
 Secretary, M.P. Colliery Workers'  
 Federation, P.O. Bankimogra  
 Dist. Bilaspur (M.P.).

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri Ved Prakash Pratap, Assistant Labour Commissioner (Central), Jabalpur.

**(i) Specific matters in dispute.**

- (1) Whether the action of the management in suspending pending enquiry Sri Mahabir s/o Gohodu with effect from 20th February, 1969 and subsequent demotion from Cat. III to Cat. I with effect from 4th June, 1969 is justified? If not to what relief is he entitled?

**(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.**

Employers in relation to the Banki Colliery of M/s. National Coal Development Corporation Limited, P.O. Bankimogra (Dist. Bilaspur) M.P. and their workmen represented by the M.P. Colliery Workers' Federation, P.O. Bankimogra, Dist. Bilaspur (M.P.).

**(iii) Name of the Union, if any, representing the workmen in question.**

Madhya Pradesh Colliery Workers' Federation, Banki Branch P.O. Bankimogra (Dist. Bilaspur) M.P.

**(iv) Total number of workmen employed in the undertaking affected.**

1850

**(v) Estimated number of workmen affected or likely to be affected by the dispute.****ONE**

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of three months from 1st January, 1970 or within such further time as is extended by the mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

**Representing employers**

(Sd.) S. P. MATHUR,

**Witnesses:**

1. (Sd.) Illegible.

2. (Sd.) Illegible.

BANKIMOGR

4th November, 1969.

**Representing workmen**

(Sd.) RAMBILAS SOBHANATH

[No. 8/106/69-LRII.]

**CORRIGENDUM**

New Delhi, the 3rd December 1969

**S.O. 4907.**—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1125, dated the 14th March, 1969, published on page 1121 of the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 22nd March, 1969—

in line 2, for "South Jhagrakhand Colliery" read "North, South and West Jhagrakhand Colliery".

[No. 1/6/68-LRII.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 4th December 1969

**S.O. 4908.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Commissioners for the Port of Calcutta and their workmen, which was received by the Central Government on the 27th November, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 58 of 1969

**PARTIES:**

Employers in relation to the  
Commissioners for the Port  
of Calcutta,

AND

Their workmen.

**PRESENT:**

Shri B. N. Banerjee, Presiding Officer.

On behalf of Employers—Shri G. V. Karlekar, Chief Labour Officer.

On behalf of Workmen—Shri S. Kar, Secretary, National Union of Waterfront Workers.

Shri Makhan Chatterjee, General Secretary,  
Calcutta Port Shramik Union.

STATE: West Bengal

INDUSTRY: Port.

**AWARD**

By Order No. 23(2)/68-LR.III, dated August 8, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute between the employers in relation to the Commissioners for the Port of Calcutta and their workmen, to this Tribunal, for adjudication, namely:

- “1. Whether the management of the Commissioners for the Port of Calcutta were justified in reverting Shri Banerwar Samaddar, Upper Division Clerk, under the Director, Marine Department to the post of Lower Division Clerk with effect from 20th October 1967 and promoting in his place Shri Narendra Nath Dutta, another Lower Division Clerk.
2. If not to what relief the employee is entitled to and whether he should be restored to his original position with seniority from 20th October, 1967?”

The name Narendra Nath mentioned above is admittedly a mistake for Amarendra Nath.

2. The Commissioners for the Port of Calcutta are a body corporate constituted under the Calcutta Port Act, 1890. Under Sub-section (1) of Section 31 of the said Act, the Commissioners are empowered to frame rules regulating a number of matters concerning terms and conditions of service of their employees. The Commissioners have adopted, with the approval of the Central Government, the Fundamental and the Supplementary Rules of the Central Government and the amendments made to these rules from time to time, for governing the conditions of service of the Commissioners' employees.

3. The work of the Port Commissioners is carried in various departments. One such department is the Marine department and the Head of the department is the Director, Marine Department. The office of the Engineer Superintendent is a separate unit under the Marine Department. In their various departments and units, the Commissioners employ for clerical jobs, Lower division clerks, Upper

division clerks, Upper division (Selection) clerks, Head clerks and Head Assistants. Originally there used to be six Upper division clerks and 18 Lower division clerks in the office of the Engineer Superintendent. The disparity in number between Upper division and Lower division clerks invited adverse criticism from the Committee for Classification and Categorisation of Class III and IV Employees of Major Ports, which submitted its report in May, 1961. The relevant portion of the criticism is set out herein below:

*“Lower Clerical staff:*

22. \*\*\*The Committee is not too happy with the present proportion between the strength of the cadres of the Upper and Lower Division Clerks (designated as Clerks ‘B’ scale or clerks, Grade II in Bombay; as junior Clerks in Kandla; as Clerks, Class II, or Clerk ‘E’ in Vizagapatam; and as lower clerical staff of outdoor establishment of Engineering Department in Cochin). Instances have been brought to the notice of the Committee where the number of Upper Division Clerks in a section is unduly low. The Committee therefore urges upon the Port Authorities the necessity of taking early steps to examine the position so as to rectify and existing anomalies in that regard. In this connection the Committee desires to draw the attention of the Port Administrations to the following recommendation made by Shri P. C. Chaudhuri, I.C.S. Officer on Special Duty, in his report dated the 1st September 1957, a recommendation which was accepted in principle by the Government of India, but being administrative in character was left to be pursued at the Ports’ level *vide* Appendix I, Part I, sub-paragraph (v) of the Government Resolution dated the 20th July, 1958:

(v) In many Administrative Departments, the proportion of Upper Division clerical cadre to the Lower Division and the proportion of the Supervisory staff to clerical strength is quite low in most of the Ports higher proportions will be more in consonance with work requirements also.’

*Typists:*

23. There is a combined cadre of Clerks and Typists at Bombay, Cochin, Kandla and Madras Ports and a separate cadre of Typists at Calcutta and Vizagapatam; at the latter two Ports there are a few posts of Senior Typists in the Upper Division clerical scale. The Committee is of the view that the promotion opportunities for the Typists at Calcutta and Vizagapatam ought to be examined by the Port Administrations with a view to improvement.”

4. Out of respect for the above criticism of the Committee, discussions were held by the Commissioners for the Port at Calcutta with their recognised Unions and a settlement, which is marked as Ext. 2 for the Port Commissioners and Ext. A for the Trade Union named Calcutta Port Shramik Union, was arrived at. The relevant portion of the said agreement is set out hereinbelow:

“(i) The strength of Upper Division (excluding Upper Division Selection) and Lower Division office clerks in the various Departments of the Port Commissioners will be fixed on the basis of 60 Lower Division: 40 Upper Division. This decision will be implemented by upgrading Lower Division posts where necessary but no new posts will be created. Where, however, in any particular Department the existing proportion of Upper Division posts to Lower Division posts is higher, such higher proportion will continue.

(ii) 40 per cent of the vacancies which already exist or will arise from time to time will be filled on the basis of merit-cum-seniority. The merit of the eligible candidates will be assessed by Departmental examination which may be wholly written or partly written and partly oral. The names of the candidates who may be successful in such departmental examination will be arranged in order of their own seniority in the lower cadre and promotion allowed on the basis of seniority list so drawn up.”

5. Baneswar Samaddar, the workman aggrieved by the order of reversion, is represented before this Tribunal by the National Union of Waterfront Workers. It is pleaded by this Trade Union that according to the settlement, Ext. 2, three lower division posts were abolished and three Upper division posts were created. Of these three posts, two posts were filled up on Seniority-cum-suitability basis from 60 per cent quota and the remaining one post was filled up by selection by examination, in which Baneswar Samaddar above named stood first and was promoted to the

rank of Upper division clerk. Amarendra Nath Dutta, amongst the examinees, finding that he could not come out through the examination, it is pleaded, made a very unjustifiable claim that the first three posts should be filled up on seniority-cum-fitness basis and when further vacancy would arise the same should go to the 40 per cent quota for promotion on the basis of examination. The representations were at first turned down and Samaddar was allowed to continue in his post. It is further pleaded that Banerwar Samaddar was made permanent in the Upper division grade and earned two increments in his grade. In spite of all that, the wheels of fortune turned against Banerwar Samaddar and he was reverted to his own post as Lower division clerk and Amarendra Nath Dutta was promoted as Upper division clerk in his place. This was pleaded to be unjustifiable action on behalf of the management and also violative of the terms of settlement, Ext. 2.

6. The management also filed a written statement. In paragraph 7(ii) of the written statement it was pleaded:

"That the Calcutta Port Shramik Union had taken up the case of Shri Amarendra Nath Dutta and pointed out vide their letter No. 120/2/L dated 9th July, 1966 \*\* that the aforesaid agreement was being violated by not promoting Shri Dutta as U.D. clerk in preference to Shri Samaddar in the order of Shri Dutta's higher seniority position over 4 other successful candidates including Shri Samaddar. The Commissioners further state that in properly implementing the agreement dated 7th April, 1955, regarding promotion to 60 per cent U.D. posts by seniority-cum-fitness and the remaining 40 per cent by seniority-cum-merit a block of at least 5 vacancies had to be taken, the 1st three vacancies being filled by seniority-cum-fitness and the next two vacancies on the basis of merit-cum-seniority through an examination. This decision was the logical consequence of the practice of allowing promotion to U.D. posts by seniority alone which was prevalent in the Commissioner's service prior to the conclusion of the aforesaid agreement dated the 7th April, 1955. It was also a recognition of the fact that where the promotion of a suitable man was to be given preference over the candidates whose eligibility depended on passing the departmental examination. The above decision was communicated to the Calcutta Port Shramik Union, one of the recognised Unions, under the Commissioners' Secretary's letter No. 7404/B/3/P.O. dated 26th August, 1966; \*\*The Commissioners have to state in this connection that 60 per cent of all the U.D. posts required to be filled in the various establishments on the basis of the aforesaid agreement had been filled straightway with retrospective effect from 1st April, 1955 by seniority-cum-fitness and the U.D. posts coming within the 40 per cent quota have been filled subsequently after holding the necessary examination to determine which of the candidates were eligible for such promotion on the basis of merit-cum-seniority. The Commissioners further state that in the establishments of the various Departments the U.D. posts against the 40 per cent quota were filled on the basis of merit-cum-seniority through examinations from the dates of publications of the results of the examination and not with any retrospective effect."

In paragraph 16 of the written statement, the management further stated that since the promotion of Banerwar Samaddar was erroneous, his reversion and the correction of the error by promoting Amarendra Nath Dutta in the Upper division grade was fully justified in terms of FR 31A and decisions thereunder. This is in short the attitude taken up by the management.

7. At first the Government had not directed service of any notice of the dispute upon Amarendra Nath Dutta, whose position in the promoted grade would very much depend upon the Award by this Tribunal. Amarendra Nath Dutta represented by Port Shramik Union, therefore, made an application for his addition as a party respondent to this Reference. That prayer was granted by this Tribunal on November 6, 1969. The Port Shramik Union filed a written statement. It was pleaded in paragraph 6 of the written statement that Amarendra Nath Dutta had been appointed as a Lower division clerk on July 4, 1968 and was senior by a few days to Banerwar Samaddar, who was appointed on July 17, 1958. It was further pleaded in paragraphs 7 and 8 of the said statement that three of the Lower division posts were upgraded to Upper division clerical posts in the Engineer Superintendent office but the Engineer Superintendent, without the approval of the competent authority, decided to fill two of the up-graded posts by

seniority and the remaining one on the basis of merit-cum-seniority by holding a departmental examination in disregard of the agreement dated 7th April, 1962. It is also pleaded in paragraph 8 as follows:

"In the meantime another additional factor namely a circular of the Port Authorities was there, that of the five vacancies, first three would be purely on the basis of seniority. Accordingly the third senior most man being said Sri Dutta, the vacancy was filled by him as a matter of course.

The Union further submit that in properly implementing the agreement dated 7th April, 1965, regarding 40 per cent by seniority-cum-merit, a block of at least 5 vacancies had to be taken, the 1st three vacancies being filled by seniority-cum-fitness and the next two vacancies on the basis of merit-cum-suitability through examination."

The complaint made by the Shramik Union was that the Engineer Superintendent violated the above decision of the Port Administration.

8. This is in short the pleadings on the basis of which I need proceed in this case.

9. Admittedly Amarendra Nath Dutta joined the Port Commissioners' Office on July 4, 1958, and Banerwar Samadder on July 17, 1958, and he is thus junior to Amarendra Nath Dutta by about 13 days. Before I consider the question as to whether Banerwar Samadder was entitled to promotion on the basis of result of the examination, despite the fact that he was junior to Amarendra Nath Dutta, I have to take into consideration Ext. I, a letter addressed by the Engineer Superintendent to the Director of Marine Department. The letter reads:

"Three permanent posts of U.D. clerks were created and three permanent posts of L.D. clerks were abolished from this office with effect from 1st April, 1965, vide Resolution No. 463 of 1965 for maintaining the requisite ratio of U.D. and L.D. clerks.

2. As per Secretary's circular letter No. 7404/B/3/PO/II dated 17th May, 1966, and your endorsement Regtn. No. 2439 dated 23rd May, 1966, a written examination of L.D. clerks was held in this office on 20th June, 1966, for filling up the 40 per cent of vacancies of U.D. posts. The candidate securing highest marks was promoted to the posts of U.D. clerk and two names in order of merit were kept in the panel for future vacancies. The following is the panel of the successful candidates drawn up for one year only with effect from 6th July, 1966.

Sl. No.	Name	Date of Appointment
1.	Shri Banerwar Samadder	17-7-1958
2.	Shri Subikash Sarkar	8-2-1962
3.	Shri Sunil Kumar Chowdhury	3-2-1962

In the above examination Shri Banerwar Samadder secured highest marks and accordingly he was promoted to the U.D. cadre.

3. Shri Amarendra Nath Dutta raised an objection through the Calcutta Port Shramik Union urging not to implement the formed panel as he is the 3rd senior-most L.D. clerk quoting Secretary's circular letter No. 7404/B/PO dated 26th August, 1966. In reply to the General Secretary, Calcutta Port Shramik Union, the Secretary, Calcutta Port Commissioners, in his letter dated 23rd August, 1966, stated that as the person who had stood first in the examination also happens to be the seniormost of the candidates of the above panel, nothing irregular has taken place in the matter of filling up the vacancy in the Engineer Superintendent's office. But later on the Secretary in his letter No. 7404/B/3/PO dated 26th August, 1966, stated that the first three of the vacancies in the U.D. cadre be filled up on the basis of seniority and the next vacancies on the basis of merit-cum-seniority. Accordingly the position of the successful candidates in the panel will be as follows:—

- (1) Shri Banerwar Samadder.
- (2) Shri Sunil Kumar Chowdhury.
- (3) Shri Subikash Sarkar.



4. In the meantime there occurred two temporary leave vacancies of U.D. posts in this office but the same were not filled up due to the non-settlement of the case of Sarbasree Banerwar Samadder and Amarendra Nath Dutta. Now the case of Sarbasree Samadder and Dutta has been settled as per order of the Administration vide Secretary's letter No. 7404/B/3/PO/DMD dated 5th October, 1967, addressed to the Joint General Secretary, National Union of Waterfront Workers and a copy to this office bearing your Regn. No. 10456 dated 5th October, 1967. Shri Banerwar Samadder has been reverted as L.D. clerk and Shri Amarendra Nath Dutta has been promoted as U.D. clerk with effect from 20th October, 1967.

5. At present there is a leave vacancy in this office. But the same could not be filled up as the Secretary in his letter No. 7404/B/3/PO/II, dated 17th May 1966 stated that if the examination vacancies in the U.D. cadre are very few in an Unit, the Head of Department may obtain permission from Administration not to hold any examination that year for that Unit, and instead, to keep the previous year's panel current for absorption of candidates therefrom. Will you please, therefore, let me now if the panel should be maintained for another year or a fresh panel be drawn up after fresh examination.

6. In this connection I like to mention here that the eligible staff concerned were assured by me that after the final settlement of the disputed case of Sarvasree Samadder and Dutta their claim will be considered and all arrear benefits will be given to them if approved by Administration. You are, therefore, requested to accord a directive in this matter.

7. Shri Sisir Kumar Chakraborty whose date of appointment is 14th August, 1958 and is senior to Sarbasree Chowdhury and Sarkar was not included in the panel though he secured high marks in the examination. For your ready reference I am furnishing hereunder the marks obtained by the examinee in the examination wherefrom only the first three were taken to form the panel. Sri Chakraborty has now raised an objection over the seniority of Sl. No. 2 and 3 and claims promotion as he secured high marks and is senior to Sl. No. 2 and 3 on the basis of merit-cum-seniority as there is no stipulated qualifying marks mentioned by the Administration. It will be very much appreciated if you kindly advise us as to how Sri Chakraborty's case will be disposed off.

Sl. No.	Name	Date of Aptt.	Marks obtained
1.	Sri Banerwar Samadder	17-7-1958	76 p.c.
2.	Sri Subikash Sarkar	8-2-1962	75 p.c.
3.	Sri Sunil Kumar Chowdhury	3-2-1962	74 p.c.
4.	Sri Sisir Kumar Chakraborty	14-8-1958	70 p.c."

The letter is important from several points of view. It shows that Banerwar Samadder secured the highest marks in the examination. It further shows the nature of the objection raised to his promotion on behalf of the Amarendra Nath Dutta and it also shows the recommendations of the Engineer Superintendent on the successful candidates.

10. I have further to take into consideration another letter addressed by the Secretary of the Port Commissioners dated August 26, 1966 to the General Secretary, Port Shramik Union on the subject of ratio proportion of Lower division and Upper division clerks in Dock Master's establishment. The relevant portion of the letter, Ext. 9, is set out below:

"The Departments concerned has been advised that they could fill the first three of the vacancies in the U.D. cadre on the basis of seniority and the next two vacancies on the basis of merit-cum-seniority, merit being determined as envisaged in the agreement of 7th April 1965."

11. Now everything turns on the interpretation of the agreement Ext. 2, which I have already set out. There is nothing in clause (ii) of Ext. 2 showing that at first the vacancies in Upper division rank must be filled up by promotion from amongst the eligible candidates on the basis of seniority-cum-fitness and thereafter the remaining 40 per cent of the vacancies shall be filled up on the basis of merits of eligible candidate to be assessed by departmental examination. Clause (ii) was meant to fill up vacancies which already existed or will arise from time to time in future. Now, there were 24 posts held by Lower division and Upper division clerks together in the Superintendent Engineer's department. According to 60-40 ratio as agreed upon there should be 9 Upper division clerks and 15 Lower division clerks in the department, instead of 6 Upper division clerks and 18 Lower

division clerks as the department admittedly used to employ. In order to reach the agreed percentage, three persons from the Lower division grade were required to be upgraded. In other words, three posts fell vacant or were deemed to have fallen vacant at the relevant time. Under Ext. 9, all the three were to go who were eligible persons on the basis of merit-cum-seniority basis. But this is not, it was contended, what the agreement was. 60 per cent of the vacancies which will arise will be filled in on the basis of seniority-cum-fitness and 40 per cent only by departmental examination, on the basis of merit-cum-seniority. Applying that formula, it was further contended, at least one should go to the 40 per cent quota on the basis of merit-cum-seniority to be decided by examination. Now, it is the admitted case in this matter, that out of the three two had already been promoted on the basis of seniority-cum-fitness and that exhausted the 60 per cent quota. The remaining 40 per cent was therefore rightly filled up by examination, as was contended. Since Banerwar Samaddar topped the list of examinees, it was argued, he was the most deserving candidate for promotion. To repel this position my attention was drawn to Ext. 2, clause (ii), last portion reading:

"The names of the candidates who may be successful in such departmental examination will be arranged in order of their own seniority in the the lower cadre and promotion allowed on the basis of seniority list so drawn up."

It was contended that seniority was the over-riding consideration. Passing of the examination was a qualifying consideration. But the senior most amongst the candidates who qualified in the examination was entitled to promotion irrespective of the fact whether or not he had topped the list of successful candidates in order of merit. Since Amarendra Nath Dutta had also passed the examination, as he orally deposed in course of cross-examination, he was eligible for promotion. There is substance in this contention. The examination on a strict interpretation of clause (ii) quoted above is only a qualifying examination for promotion but thereafter seniority decides who is to be promoted. The position is like this. When a person is promoted on the basis of seniority-cum-fitness, as under the 60 per cent quota for promotion, his fitness is more or less dependant on the subjective satisfaction of the authority or on his impression about his work which may vary accordingly to temperamental changes of the authority but when the selection for promotion is made dependant upon a merit testing examination but particularly upon seniority, the merit test becomes quite objective. The idea behind the agreement was that 60 per cent will be promoted on seniority-cum-fitness basis, as of old, on the satisfaction of the authority. But the young or junior aspirants should also be given avenue for quick promotion if they objectively prove their merit in examination.

12. In this case, the evidence of Amarendra Nath Dutta that he sat at the examination and passed his examination is not disputed. That he is senior to Banerwar Samaddar is not also disputed. In promoting Banerwar Samaddar in supersession of Amarendra Nath Dutta there was an error committed. Now such errors are liable to be corrected under Fundamental Rule 31A with President's decisions thereunder which I quote below:

"F.R. 31A. Notwithstanding the provision contained in these rules, the pay of a Government servant whose promotion or appointment to a post is found to be or to have been erroneous, shall be regulated in accordance with any general or special orders issued by the President in this behalf.

*Government of India's decision*—The President is pleased to decide that the following provisions shall govern the pay and increments of a Government servant whose promotion or appointment in a substantive or officiating capacity to a post is later found to be erroneous on the basis of facts.

2. The orders or notification of promotion or appointment of a Government servant should be cancelled as soon as it is brought to the notice of the appointing authority that such a promotion or appointment has resulted from a factual error and the Government servant concerned should immediately on such cancellation be brought to the position which he would have held but for the incorrect order of promotion or appointment."

There is no dispute that the said Rule was adopted by the Port Commissioners under Resolution 270, Ext. 11, which is set out below:

"Amendments to the Fundamental and Supplementary Rules of the Central Government which may be made from time to time will be automatically applicable to the Commissioners' employees, in so far as they

can be adopted to the Port Trust requirements and are not inconsistent with the provisions of the Calcutta Port Act. The Commissioners, however, reserve the right not to adopt any rule or an amendment to any rule and they also reserve the right to frame any rule in deviation of any Government rule, subject to the sanction of the Government."

13. Now the view that I take, I have to hold that the management of the Commissioners for the Port of Calcutta were justified in reverting Baneswar Samaddar, Upper division clerk, under the Director, Marine Department, to the post of Lower division clerk with effect from 20th October, 1967 and promoting in his place Sri Amarendra Nath Dutta another Lower division clerk. Sri Baneswar Samaddar is, therefore, entitled to no relief.

14. Before I conclude, I express a pious hope. Baneswar Samaddar suffers because of an error committed by the Port authorities. I can not help him out of his difficulties because the law stands against him. I hope the Port Commissioners will show him sufficient consideration and not take the utmost advantage of their own error against a meritorious employee, whose merits were tested in a qualifying examination.

This is my award.

Dated, November 21, 1969.

Sd./- B. N. BANERJEE,  
Presiding Officer.

[No. 28/20/68-LR.III/Fac.II.]  
C. RAMDAS, Dy. Secy.

**(Department of Labour and Employment)**

*New Delhi, the 4th December, 1969*

**S.O. 4909.**—In exercise of the powers conferred by section 73 F of the Employee's State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories specified in column (4) of the Schedule hereto annexed, in sparse areas in the State of Mysore and specified in column (3) of the said Schedule, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act for a period of one year from the date of publication of this notification in the Official Gazette or until the enforcement of the provisions of Chapter V of the said Act in those areas, whichever is earlier.

**THE SCHEDULE**

Sl. No.	Name of District	Name of Area	Name of the Factory
1	2	3	4
1	Bangalore	Ramnagaram	M/s. Mysore Aluminium (P) Limited Industrial Estate.
2	Belgaum	Kittur Soundathi	Sub-station, Mysore State Electricity Board, M/s. Workshop & Maintenance Sub-Division M.D.S. Colony.
3	Bijapur	Bijapur	M/s. Joshi Ferrous Foundry and Workshop, Industrial Estate.
4	Gulbarga	Kapnoor	M/s. Spun Pipe and Construction Co. India Limited, Bilgundi Building, Ganj Road.
5	Hassan	Holenarasipur	M/s. Indira Match Industries, 3rd Jain Street.
6	Kolar	Kolar	M/s. Ram Krishna Tile Works, Malur.
7	Mysore	Chamarajanagar	M/s. S.P.S. Industries, Galipur Road.

[No. F. 6/13/68-HI.]

DALJIT SINGH, Under Secy.

**(Department of Labour and Employment)**

*New Delhi, the 4th December 1969*

**S.O. 4910.**—Whereas Shri Nabani Gopal Mitra, a member of the Central Coal Mines Rescue Stations Committee, has ceased to be a member of the said Committee by virtue of the provisions of clause (a) of rule 6 of the Coal Mines Rescue Rules, 1959;

Now, therefore, in pursuance of clause (iv) of sub-rule (1) of rule 3 of the Coal Mines Rescue Rules, 1959, the Central Government hereby nominates Shri B. K. Verma to be a member of the Central Coal Mines Rescue Stations Committee *vice* Shri Nabani Gopal Mitra, and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 3310, dated the 23rd October, 1965, namely:—

In the said notification, against item No. 6, for the existing entry "Shri Nabani Gopal Mitra, C/o Colliery Mazdoor Sangh, Chanch Colliery, P.O. Chirkunda, District Dhanbad (Bihar)", the following entry shall be substituted, namely:—

"Shri B. K. Verma, Assistant Secretary, Colliery Mazdoor Sangh, Branch: 6 and 7 Pits Colliery, P.O. Bhaga, District Dhanbad."

[No. 14/15/69-M.I.]

J. D. TEWARI, Under Secy.